

## **NICARAGUAN ELECTIONS**

**Pre-election Assessment and Recommendations for a Free and  
Transparent November 2006 Elections in Nicaragua**

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## Glossary of Terms and Abbreviations

ADM	Asociación de Desarrollo Municipal
AECI	Agencia Española de Cooperación Internacional
AFL-CIO	American Center for International Labor Solidarity
AMUNIC	Asociación Municipal Nicaragüense
ASDI	Agencia Sueca de Cooperación Internacional para el Desarrollo
CDC	Centro de Derechos Constitucionales
CIDA	Canadian International Development Agency
CINCO	Centro de Investigación de la Comunicación
CIPE	Chamber of Commerce's Center for Private Enterprise
COSEP	Consejo Superior de la Empresa Privada
CSOs	Civil Society Organizations
CAPEL	Centro de Asesoría y Promoción Electoral
CAFOD	Catholic Agency for Overseas Development
CAII	Creative Associates International
COSUDE	Agencia Suiza para el Desarrollo y la Cooperación
CSE	Consejo Supremo Electoral
DANIDA	Danish International Development Agency
DFID	Department for International Development (Great Britain)
EU	European Union
EU-EOM	European Union Election Observation Mission
ET	Ética y Transparencia
FIBRAS	Fundación Iberoamericana de las Culturas
FSLN	Frente Sandinista para la Liberación Nacional
FUNDEMOS	Fundación para el Desarrollo Democrático
GON	Government of Nicaragua
GOTV	Get Out the Vote
G-8	Group of 8
HD	Hagamos Democracia
IDEA	Institute for Democracy and Electoral Assistance
IIDH	Inter-American Institute of Human Rights
IEEPP	Instituto de Estudios Estratégicos y Políticas Públicas
IFES	International Foundation for Election Systems
INEH	Instituto Nicaragüense de Estudios Humanísticos
IPADE	Instituto para el Desarrollo y la Democracia
IRI	International Republican Institute
JRV	Junta Receptora de Voto
MpN	Movimiento por Nicaragua
MRS	Movimiento de Renovación Sandinista
NED	National Endowment for Democracy
NDI	National Democratic Institute for International Affairs
OAS	Organization of American States
OAS-EOM	Organization of American States Election Observation Mission
OCV	Out of Country Voting
OXFAM	Oxford Committee for Famine Relief

PC	Partido Conservador
PLC	Partido Liberal Constitucional
RAAN	Región Autónoma del Atlántico Norte
RAAS	Región Autónoma del Atlántico Sur
SIDA	Swedish International Development Cooperation Agency
UCA	Universidad Centro Americana
UN	United Nations
UNDP	United Nations Development Program
UPD	Unit for the Promotion of Democracy
USAID	United States Agency of International Development

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## Executive Summary

The purpose of this political and electoral diagnostic (Purchase Order #524- O-00-05-00002-00) was to conduct a review of the elections held in Nicaragua since 1990 in order to identify the shortcomings of the current electoral system and offer concrete recommendations for a program in support of a transparent, credible 2006 electoral processes that meet internationally recognized standards of being free and fair. The understanding of free and fair as defined by the following standards: 1) an impartial electoral framework; 2) an informed and active citizenry; 3) an effective oversight of the electoral process; and 4) a representative and competitive multiparty system.

There were specific performance requirements and standards established for the two-month evaluation. Three pre-electoral assessments were to be conducted, and specific recommendations were to be made for the March 2006 Regional Autonomous Regions in the Atlantic Coast, and the November general elections.

The three electoral assessments took place in Nicaragua during 2005. The first assessment mission took place between the 12<sup>th</sup> and 17<sup>th</sup> of June; the second visit took place between the 4<sup>th</sup> and 9<sup>th</sup> of July; and the third and final visit took place between the 26<sup>th</sup> and 30<sup>th</sup> of July (*See Attachment 1 – List of meetings*). The purpose of these three missions was fourfold: 1) to evaluate the pre-electoral environment and identify the requirements and work plans of the Nicaraguan authorities, political parties, civil society and the international community necessary to ensure a meaningful electoral processes for 2006; 2) to identify the elements of the process that are most vulnerable and the obstacles that must be overcome; 3) to assess the state of technical preparations for elections; and 4) to recommend electoral reform measures that could enhance the transparency and credibility of the 2006 processes.

Based on a review of previous electoral assistance and international observation missions from the 1990 elections onwards, it is clear that Nicaraguan elections have faced similar problems year after year. Similarly, it is clear that over the years almost identical recommendations have been made about the electoral processes. International electoral assistance, political strengthening, and national election reform must possess a long-term perspective. The preparations for the electoral processes of 2006 require more than just the organization of a one-day event; rather it is the initiation of the electoral processes that need to contain the features, precedents, and credibility that can contribute to the long-term development of Nicaragua's democratic institutions. These elections, therefore, must also be considered from a strategic perspective as an element in the overall reform efforts for governance in the country.

As it was previously outlined, for elections to be meaningful the outcome cannot be predetermined or entirely predictable, disparate voices must be allowed to organize and to be heard, and that the governing institutions to be elected have to be perceived relevant and accountable to the electorate. Elections are also meaningful when they are not regarded as singular events, but as elements of a political process that will extend beyond

the 2006 election cycles and will contribute to the development of democratic institutions.

There is a lack of public confidence in Nicaraguan's governing institutions, including disappointment with the performance of the *Consejo Supremo Electoral* (CSE) an institution that is controlled, from top to bottom, by the *Frente Sandinista para la Liberación Nacional* (FSLN) and the *Partido Liberal Constitucional* (PLC). Meaningful, democratic elections can only take place if the CSE and other responsible bodies are generally representative, independent of improper political influence, and entirely transparent. The public, including political activists and leaders, must have confidence that the CSE is constituted in such a way as to allow the will of the voters to be expressed through the elections.

In addition, given present Nicaraguan demands for change and reform, public debate on the electoral system must be facilitated and encouraged by an aggressive public outreach effort. Decisions involving the organization or methods of holding elections must be open to allow for a period of structured public debate and input.

In the body of this report there are a number of recommendations that aim at assisting the Nicaraguan efforts to plan and administer meaningful elections, and supporting the USAID diagnostic. Those in the international community, especially the donor community in Nicaragua, who wish to assist the Nicaraguan political and electoral processes, will find detailed descriptions of necessary activities, as well as some benchmarks and timelines for those activities.

It must be noted that the political issues supercede the technical ones as the major obstacles to the 2006 elections. Based on the information gathered and the present political/electoral environment, recommendations were made in order to identify priority programs that will need to be supported in order to have a successful democratic process in preparation for these upcoming elections. Sections IV, V, and VI are just descriptions of what each organization or country has done, is doing, and would like to do in preparation for next year's electoral processes. The author of this diagnostic did not include any personal recommendation or evaluations in any of those sections.

There are various issues that need to be considered for having free and fair electoral processes in 2006, but five main recommendations will be presented at the end of this report as the principal areas for all political and electoral stakeholders to support:

This diagnostic identified some general recommendations for international support, the delivery of which should be contingent on the expressed needs of appropriate Nicaraguan institutions – governmental and non governmental, professional and political, and on the clear demonstration of commitment to the organization of a meaningful process by key stakeholders. A) Political Recommendations: 1) Electoral Law Reforms (a. Political party Primaries and b. CSE's Change of Composition); 2) International Observation Program; 3) Domestic Observation Program; and 4) Donor Coordination.

B) Technical Recommendations: 1) Voter Registration (*Cedulación*); 2) Voter List (*Padrón*); 3) Massive Civic Education Campaign; and 4) International Assistance to the CSE (ex. a. poll worker and political party poll watcher training; b. out-of-country voting; and c. general assistance).

## **I. Introduction**

The purpose of this study is to establish the most accurate picture possible of the current pre-electoral conditions in Nicaragua in order to envisage what is the likely scenario for the next elections in Nicaragua which will take place in March and November of 2006.

In order to understand the electoral environment, an assessment was carried out eighteen months prior to the 2006 elections. The study is based on information obtained from as many actors as possible that are involved in the electoral process, both through direct contact and indirectly. Some of the organizations and persons that were contacted are representatives from the CSE; national and international potential observer groups; political figures renowned for their independent positions; international donors; and representatives of civil society organizations, among others.

Information gathered from official sources was the starting point for establishing what is the current institutional and internal legal framework (which could change) of the parties that will participate in the elections. The official sources consulted were the CSE; legally registered political parties that are eligible to participate in next years elections, individually or as part of an alliance; and pre-candidates interested in running outside of their original parties (e.g. Eduardo Montealegre and Herty Lewites).

Complementary information was gathered through interviews and reports supplied by actors directly involved in the electoral process such as: national and international observers; political figures who take independent positions; and representatives of domestic and international civil society groups. The information gathered from indirect sources was determinant in defining and establishing the main problems, weaknesses and deficiencies found in the present pre-electoral phase, though these could easily change from now to the actual elections.

Even under difficult circumstances, several of the people interviewed believe that the 2006 elections can be technically accomplished. Without key changes in the political landscape, however, the conditions for meaningful elections will remain problematic. Elections will have little or no positive benefit for Nicaraguans if they serve only as a self-validation of the current *pacto* between the PLC and FSLN, or if Nicaraguan political views continue to be shaped by the status-quo. Recent polls conducted by Nicaraguan and international organizations have shown strong support for the renewal of Nicaraguan's political institutions and its leaders.

The prospect for holding meaningful elections could be deterred by the gap between the members of the *pacto* and the rest of the population who wants something different. The



necessity for a negotiated solution between all internal actors and the international community is most urgent.

## **II. Political Context**

After 1990, the year in which the first democratic elections in Nicaragua took place, electoral processes have experienced difficulties that are specific to a democratic process that aims at the consolidation of democracy.

The first reforms made to the Constitution and the Electoral Law in 1995 introduced new regulations affecting the Nicaraguan electoral system. The second democratic national elections took place in 1996 (under the new institutional legal framework), were contested by the PLC, the FSLN, and the Conservative Party (PC) as the major forces, with the participation of other minority parties. The PLC candidate, Arnoldo Alemán Lacayo, won this election.

Only three political parties/alliances participated in the 2001 elections, these were: the PLC; the FSLN; and the PC. A large number of the minority parties formed alliances with the major parties. The Liberal Alliance once again won the election, this time with Enrique Bolaños Geyer, the current president of the Republic of Nicaragua, as their candidate.

Due to special circumstances, the two political currents that once ran contrary to each other (PLC and FSLN) are now on the verge of creating a panorama that is diametrically opposed to what took place in 2001. These are changes that are putting at risk the democratic institutional framework of the country.

The present political crisis between the Executive Branch (President Enrique Bolaños) and the other branches of power (Legislative and Judicial) has been escalating. Late last year, the National Assembly revised the Constitution stipulating that leaders of public services organs would have to be appointed by the National Assembly, and that the president's appointment of ministers and ambassadors would also have to be approved by the Assembly. The Government of Nicaragua (GON) has repeatedly voiced its opposition to these revisions, arguing that the opposition is stripping the president and the government authorities of their power. The crisis escalated again in mid-June 2005 when the National Assembly designated new directors of public services organizations (post office and telephone firms) to replace those that had been named by the president. At the same time that this was taking place, an OAS mission headed by the new Secretary General Jose Miguel Insulza had arrived in the country to offer a mediation mechanism for all the parties involved to try to solve the conflict. Additionally, an important march was organized by different groups of the civil society and political leaders who are not part of the FSLN or the PLC. The purpose of this march was to voice their discontent with the *pacto* and the corruption issues that has the country in crisis.

## **General Elections of 1990**

The first democratic elections in Nicaragua took place on February 25<sup>th</sup> 1990 when Nicaraguans for the first time in their history freely cast a secret vote. The result was the election of the coalition UNO, a coalition of 13 opposition parties to the FSLN, as their government.

More than four thousand observers - from the UN, OAS and Carter Center, among many others - certified that the electoral process had been fundamentally just and therefore free and fair. This was the first step towards the institutionalization of democracy in Nicaragua.

The elected government of Violeta Barrios de Chamorro attempted to implement the changes needed to establish the basis for the new democratic system. The first task was the establishment of a National Constituent Assembly. The coalition that brought Chamorro to power, however, fell apart in 1993 and for more than a year the coalition legislators paralyzed and boycotted the National Assembly.

Since the Chamorro government did not count with the sufficient votes to undertake constitutional changes, the government established an alliance with the representatives of UNO that were at the center of the coalition and the FSLN in order to begin the process of reforming the Constitution in 1995. The reforms covered a wide range of topics which included the following: prohibition of immediate re-election; prohibition of the naming of relatives of the president to government posts; suspension of obligatory military service; a change in the name of the military; appointment of a new CSE; empowering the Assembly to annul the presidential veto with a simple majority; and the transfer of taxation power to the Assembly. This foreshadowed the beginning of the transfer of functions to the Legislative Branch from the Executive Branch (since what already existed was a well-drawn presidential system), although, the country did not shift from a strong presidential system to a balanced parliamentary system.

## **General Elections of 1996**

The elections of 1996 proceeded with the presidential election on October 20<sup>th</sup> and the first municipal elections (after 1990) on November 5<sup>th</sup>. Some 35 political parties participated in the presidential elections. The majority participated under the Liberal Alliance banner whose candidate was Dr. Arnoldo Alemán Lacayo. The National Project Party, which was created by Antonio Lacayo the son-in-law of Violeta Barrios de Chamorro, promised a new type of politics different from the two extremes. The party's candidate was Benjamín Lanzas. The UNO alliance of 1996 was led by the candidate Alfredo Cesar, while the FSLN had for the second time Daniel Ortega as its candidate. Arnoldo Alemán won the elections with 51.7 percent of the vote, the FSLN was the runner up with 37.7 percent of the vote, while the remaining of the parties split the remaining 11.2 percent of the vote.

The first municipal elections took place on November 5<sup>th</sup> 1996 with 145 mayor offices in contention in the 17 Departments. The Liberal Alliance won 92 of the municipalities, while the FSLN won 51 municipalities. That left 2 municipalities for the remaining parties.

In Managua the FSLN went to into the elections with some important divisions since Herty Lewites, a militant of the party, decided to run under the banner of the “Movimiento Sol,” while Carlos Guadamuz was the official FSLN candidate. In the end, the candidate for the Liberal Alliance, Roberto Cedeño, won the Managua office.

## **Municipal Elections of 2000**

The 2000 municipal elections were affected by the developing Alemán-Ortega *pacto* and the reforms to the Electoral Law. These reforms guaranteed “bipartisanship” in the elections by throwing up barriers to small and new parties - the so called “parasite” parties - and by eliminating the registration of parties by popular petition. Other factors that affected these elections and that emerged from the *pacto* were a new provision that granted the automatic right to ex-Presidents to become legislators once they had completed their term in office (which directly favored Arnoldo Alemán) and expanded the number of Supreme Court judges and the magistrates of the CSE. The *pacto* also diluted the authority of the Comptroller’s Office through expanded “collegiality.”

In this new legal electoral framework, three contending parties disputed 151 mayoral offices. Six new municipalities had been created, including El Crucero which effectively cut Pedro Solórzano out of the Managua race. The competing parties were the Liberal Alliance, the FSLN and the PC. The elections were polarized, with no relevant centrist parties competing (ex. *Arriba la República*, *Camino Cristiano*, etc.).

This time, the victory went to the FSLN, which took a large number of mayoral offices from the PLC, including 11 of the 17 departmental heads. This included the Managua office which went to Herty Lewites who this time ran as the FSLN candidate.

The elections were marked by a high rate of absenteeism (44.3%) which was catalogued as “relative absenteeism” since the division of the pie fell in almost equal parts between the PLC, FSLN and absenteeism.

## **General Elections of 2001**

The presidential elections of 2001 were once again held with competition limited to the three political forces: the PLC in alliance with the majority of smaller political parties, the FSLN and the PC.

A significant event marring these elections was the disqualification of José Antonio Alvarado who was supposed to run as the candidate for the PLC alliance. Rene Herrera, Vice Minister of Internal Affairs, annulled a legal resolution that had restored Nicaraguan citizenship to Alvarado, a move that opened the way for the candidacy of Enrique

Bolaños Geyer, who won the elections with 52.8 percent of the vote. The FSLN received 42.4 percent of the vote, while the PC received 4.8 percent.

In 2001 a new conflict between the political powers in the country emerged when the Comptroller of the Republic requested the impeachment and dismissal of the President of the Republic Enrique Bolaños Geyer. The Comptroller accused the president of having concealed information from this organization in regards to the financing of his 2001 presidential campaign. As a result of the threatening situation the government requested that the OAS send a mission to evaluate the course that these actions were having, and in order to avoid an institutional crisis.

Once he had assumed the Presidency in 2002, Bolaños boldly took up the battle against corruption. The result was the conviction of the ex-president Arnoldo Alemán, the man who had launched Bolaños as the “anointed” candidate for the PLC. The conviction was only made possible because of the help the government received from the FSLN through a temporary alliance, the alliance held until 2003 when the Board of Directors of the National Assembly had to be elected.

The election of the Board of Directors of the Assembly was controlled by members of the PLC and others in the Assembly that were aligned against the Bolaños government (the White and Blue Bench). This scenario pushed the FSLN into searching for a new *pacto* with the PLC, this time the liberation of Arnoldo Alemán was also put on the table. The *pacto* also resulted in more constitutional reforms that further reduced the powers of the executive and furthered distributed the control, between these two parties, of the rest of the branches of government.

This new situation presented a break in the balance of powers, and pushed the government to ask for the cooperation of the OAS in resolving the political crisis in order to keep it from escalating into a conflict of major proportions with grave consequences for the people of Nicaragua. The OAS mission arrived on October 18<sup>th</sup> of 2004, to report on the situation. The mission met with all of the political actors involved in the emerging crisis. Once the Sandinista leader Daniel Ortega had given his assurance that president would be allowed to finish his term, the fear of a dismissal disappeared.

## **Municipal Elections of 2004**

In the last municipal elections the FSLN won the majority of the country’s municipalities, including Managua. It could be argued that the CSE was at the service of the parties that now control it, given that the three municipalities where irregularities emerged were eventually given to the PLC and FSLN parties.

It is important to emphasize that in this elections, as in all of the elections after 1990, both foreign and domestic observers certified that the electoral processes had been carried out in correct fashion. According to the OAS, there were no formal charges of fraud and few anomalies registered, including the claims over the mayoral offices of Granada in the

2004 municipal elections. As a result of the OAS's position, a strong resentment against the organization was expressed during various interviews held on this subject.

## **Present Situation**

Today, the “bipartisanship” of the PLC-FSLN that previously represented opposing political forces, is now on the verge of presenting a new scenario for the 2006 elections, one that is diametrically opposed to what existed in the 2001 elections. This new scenario is one that can easily put at risk the weak institutional framework of Nicaragua, and could have disastrous consequences for the incipient democratic processes of the country.

Clashes among the government branches emerged once more when the two major parties (PLC and FSLN), decided to again reform the country's constitution. The result of these reforms was the creation of new Superintendents of Public Services and Property. The reforms also included previously approved reforms that reduced the power of the executive in appointing Ministers, diplomatic representatives, and directors of autonomous entities, as well, the reforms suspended tax exemptions for the mass media.

The president attempted to counteract these reforms by calling for a dialogue between the major political parties on January 19<sup>th</sup> 2005. Despite the call, however, the implementation of the reforms was carried out. In response to this, the president sent the case to the Central American Court of Justice which declared the reforms to be inapplicable. The verdict deepened the political crisis. Once again, the government requested that an OAS mission be sent to Nicaragua to follow up on the situation that had been developing for months. The OAS sent a mission, headed by Dr. Enrique Lagos. The technical mission traveled to Nicaragua during May 18-24, 2005.

## **Political Scenarios**

The pre-electoral panorama in Nicaragua is dominated by the growing possibilities that Herty Lewites and Eduardo Montealegre will be presidential candidates.

Both candidates have been denied the possibility of running as the presidential candidates for their respective parties. Lewites was expelled from the FSLN on February 26<sup>th</sup> 2005, while Montealegre's possibility of becoming the official PLC candidate ended when at the last party convention the decision was taken to eliminate primaries from the party statutes.

With this turn of events, the best option for both Lewits and Montealegre is to run on the tickets of other political parties that have representation before the CSE, even if these parties do not have significant pull in terms of drawing votes.

The issue, however, is not limited to the candidates' situation vis-à-vis their own parties. Both candidates have to also pass another, more difficult hurdle which is the possibility that they will be disqualified from running if judicial sentences are levied against them as the result of judicial processes that are already open against them individually. This

situation calls for urgent action by national and international players to apply their influences so that they are not processed in the courts, and are able to run in the elections free of legal pressures.

Assuming that both individuals have the road cleared and are able to run as presidential candidates, at this moment the following scenarios could take place:

1. Lewites has shown rising numbers in the recent polling surveys, he is the candidate that is predicted most likely to win, as of right now. Also, in his last public appearance with president Bolaños, the president publicly declared that Lewites could receive his support. Bolaños also hinted at the possibility of a presidential alliance with Pedro Solórzano (current Minister of Public Works and Transportation) which would increase Lewites' possibilities in terms of gaining votes outside of the FSLN's sympathizers.

2. A possible Lewites-Montealegre alliance would increase the likelihood of a win if these two came to an agreement to run together. Such an alliance would be even better than a Lewites-Solorzano alliance because these are the two most popular candidates right now, with the highest ranking in the polls, with Lewites consistently in front of Montealegre.

3. A Montealegre-Lewites alliance, though not currently being discussed, would be interesting and might have good possibilities for winning if Lewites would accept the second position in the ticket. Montealegre, however, has mentioned that he is not willing to run in an alliance with Lewites.

4. José Antonio Alvarado (who was the president of FISE and has been the head of various government ministries under President Bolaños), also belongs to the club of the possible "presidents." Alvarado, like Montealegre, has dissented from the party line of Arnoldo Alemán. Alvarado counts with a good deal of sympathy and support with the electorate (he places behind Montealegre in every survey), and has the advantage of also receiving, for the moment, the "official" support of president Bolaños.

If Alvarado runs against Montealegre and other candidates, however, it is very likely these two candidates would split the "independent" vote with negative consequences for both candidates. Alvarado, therefore, would need to be part of an alliance with either Montealegre or Lewites, if the latter one becomes an option that the current president supports.

Another very important aspect to note is that Lewites and Montealegre, assuming that both managed to overcome the possible judicial roadblocks, have both declared that they will not participate in the 2006 election unless the Electoral Law is reformed, and the CSE has been restructured.

## 5. Possible scenarios for the PLC and FSLN:

### 5.1 With respect to the PLC:

At the moment there is no front-running candidate for the PLC. The only figure that thus far has appeared in the surveys and with a very low percentage of support, is José Rizo, who is the current vice president of the country. However, Rizo has declined to run as the candidate for his party, probably because he will replace Bolaños if the president's impeachment by the Electoral Crime Commission goes through.

Wilfredo Navarro (currently a legislator) has also been mentioned in the surveys, but he has thus far received an even a lower approval rating than Rizo. Navarro is currently being considered as a possible pre-candidate for the internal elections of the party, but his possibilities, both within and outside the party seem very low.

Another figure that could be a surprise is that of Noel Ramírez. Ramírez, however, also lacks a national projection and is not even very well known in Managua which is a serious set back. Another possibility that could also be "anointed" as a last minute candidate is the former Foreign Minister, Francisco Aguirre Sacasa who is very close to Alemán.

In summary, the PLC thus far does not have a candidate that is considered presidential material or a good opponent to the other figures of Lewites, Montealegre, or even Ortega.

It has been noted that in the last important PLC events the main speaker has been Mrs. Maria Fernandez Flores, Alemán's wife. As a result there is some speculation that she could be nominated as the party's presidential candidate in the event that her husband is unable to run.

It is interesting to note that the PLC's position is that it is not the candidate who will guarantee them victory but rather that it is the party's strong structure that will bring them victory in the next elections.

A few days before the completion of this diagnostic, Arnoldo Alemán was freed from house arrest and became a free man after a judge ordered the revoke of his detention, two days later he was back under house arrest after another judge with FSLN ties revoked the previous sentence. There still is a long-shot possibility that Alemán might be able to run as the party's presidential candidate, or at the very least that he might be able to negotiate a better deal for the PLC in preparation for next year's elections. The best option at the present time is for Montealegre to run in the PLC ticket and use their machinery to run against the FSLN.

It must also be observed that the PLC will have serious problems with financing for the electoral campaign, and will be unable to finance a similar campaign to the one they ran in the 2001. The funding problem for the PLC could turn out to be serious challenge.

## 5.2 With respect to the FSLN:

The FSLN has already decided that Daniel Ortega will be their candidate for the fourth consecutive time, a decision that could limit the party's possibilities of winning.

Ortega's candidacy means that he will command fewer votes from his party and that Herty Lewites will probably be able to draw more votes from the FSLN. This will probably create an even greater division within the party than when the Sandinista Renewal Movement (MRS) was created.

The "Convergence" alliance that the FSLN has currently formed only represents a few numbers of votes, given that the participating parties do not have a lot of political influence.

The potential disqualification of Lewites would give Ortega a greater possibility of increasing his voter share, thus making him a serious contender for the presidency.

Another factor to keep in mind is the Alemán-Ortega *pacto*, and to what extent it has been successful in negotiating the alternation of power between the FSLN and the PLC. For the alternation of power to be successful, it would necessitate the complete release of Arnoldo Alemán from all pending charges which entails that all the necessary structures to carry out this agreement need to be in place. This means complete control by these two parties of at least the following institutions in the CSE; the National Assembly; and the Supreme Court of Justice, which they already have.

The scenarios that have been outlined will undoubtedly change in the course of the coming weeks or months, depending to a large extent on how the main players react to different political and legal matters. It is also important to be prepared to consider various options in all fronts of the political arena if non-democratic measures still prevail and fair conditions are not given to citizens outside the *pacto*. The political will of all Nicaraguans is fundamental to be able to prepare a solid electoral base in which the participation of all voters in next year's elections will occur under minimal distress.

If the political will and the National Dialogue do not solve this barrier, a citizen mobilization campaign will need to be supported, since they are the ones who have been and will continue to march against the illegal *pacto* politics. The National Assembly, Judicial Branch, and the CSE are the main obstacles to be able to have free and fair elections in 2006, since they basically control all legal routes that benefit their own interests.

As of now and as extreme as it may sound, a strong and active citizen mobilization campaign would be the only available vehicle of pressure available to try to change things around. The organization of marches around the country and an active involvement (using the media) against the corrupted ways of the *pacto*, are ways to make people defend their political and civil rights. According to a respected political analyst, "Nicaragua is not a two-party political system, but a two-party dictatorship."



### III. Considerations for Election Organization

Election processes are the largest, most complex and most expensive technical, logistical and administrative operations that are regularly carried out by democratic countries. Successful elections depend on proper and meticulous preparation of the whole election process, as well as on careful planning of all the core aspects which make this process up. A successful electoral process, therefore, requires an election calendar which strictly adheres to established legal guidelines.

There are a few technical barriers that need to be highlighted in order to start planning for free and fair elections in 2006. The main areas of potential conflict are due to lack of public confidence in the Nicaraguan electoral authorities. There are various areas the CSE and other political actors need to pay close attention so that citizen confidence is strengthened from the outset. To be able to do this, it is recommended that eight major areas be considered as top priorities: **Political Areas (Recommendations)**: 1) Electoral Law Reform (a. Political Party Primaries, and b. CSE's Change of Composition); 2) International Observation Program; 3) Domestic Observation Program; and 4) Donor Coordination. **Technical Areas (Recommendations)**: 1) Voter Registration (*Cedulación*); 2) Voter List (*Padrón*); 3) Massive Civic Education Campaign; and 4) International Assistance to the CSE (ex. (ex. a. poll worker and political party poll watcher training; b. out-of-country voting; and c. general assistance). (*Standard 2.2*)

These eight recommendations are key areas that need support to be able to develop confidence in the electoral processes that will take place in 2006.

#### A. Political Areas

##### 1. Electoral Law Reforms (*Standards 1.2 and 1.3*)

###### a. Political Party Primaries

The main argument for having internal party democracy elections or primaries is that it also applies to the system of democracy in general. The objective of democracy is that the people should have the right to choose. Just as the citizens of a nation are entitled to cast ballots in elections, so the citizens of a political party should be entitled to select and/or reject their own leaders for public office. There are three types of primaries: 1) Open – Voters may vote in primaries of a party of their choice, the choice to be made at the voting booth; 2) Closed – Voters may only vote in a primary if they are registered members of that party; and 3) Semi-Open - Voters registered with a party may only vote in the primary of their party. Independents may choose which primary to vote in at the voting booth.

###### b. CSE's Change of Composition

The CSE is composed of seven Proprietary Magistrates (*Magistrados propietarios*) and three Substitutes (*Suplentes*) which are selected from separate lists in the National Assembly and are elected for a 5-year period. The present distribution is the following: One “independent” President; three from the FSLN; and three from the PLC. There are

no other political parties represented in any position of the whole structure of the CSE, even in the administrative levels.

## **2. International Observation Program**

*“Election observation is the purposeful gathering of information regarding an electoral process, and the making of informed judgments on the conduct of such a process on the basis of the information collected, by persons (observers) who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities.”* (International Code of Conduct description for Observation)

It is important to suggest that “intervention in the process” should not mean “passiveness”. It is important to note that many times international observation mission are “too passive” in their responsibility to observe certain aspects of an electoral process. A good leadership in any election observation mission will be one of the most important factors for a successful program. The cases in Peru (Eduardo Stein) and Guatemala (Valentin Paniagua) are good examples of how someone can manage an important group of observers that will face very difficult situations along an observation process.

At the present time, there is an on-going mediation process being supervised by the OAS (Ambassador Dante Caputo). Mediation and technical assistance are widespread activities, often involving foreign actors and can be confused with an observation mission. According to IDEA’s Ethical and Professional Observation of Elections Code of Conduct, there are some instances when one group is doing mediation, observation and even technical assistance at the same time. All these activities can be confused with observation for the following reasons: 1) sometimes one organization is authorized to perform all three functions in the same political/electoral framework; 2) even if an organization is only responsible for observation, it may be difficult for the organization to refuse to mediate or provide assistance if it is called to do so during the process, especially in cases where those roles do not prejudice the function of the observation; and 3) the three roles contribute individually to fulfilling a common set of objectives, that is, legitimizing the election process; building confidence; improving the prospects for democratization; enhancing the electoral process; reducing and/or preventing conflict. (*Standard 2.1*)

## **3. Domestic Observation Program**

According to the NDI handbook “How Domestic Organizations Monitor Elections,” domestic monitoring provides valuable safeguards for fair electoral processes. Equally important, the development of such mechanisms contributes to the evolution of a more active civil society. Some of the advantages of domestic, over international observation programs are: 1) the costs; 2) the knowledge of the country; and 3) the number of observers who can be deployed around the country.

Domestic monitoring efforts by nonpartisan groups contribute to more genuine election processes by encouraging fairer campaign practices and a more informed citizenry. *(Standard 2.1)*

#### **4. Donor Coordination**

Donor involvement in political/electoral process is fundamental, but it would not be unfair to note that in the minds of the majority of those mission representatives interviewed, electoral development was a ways down their current list of priorities for assistance. A system to track proposals from different organizations (international and domestic) seeking funding was developed and the Germans will be leading the way on this issue as the clearinghouse for all this information. This will be an important tool so that every donor will be able to find out what type of projects, what organizations, and amounts are being proposed. A coordinated effort by the donors is highly recommended, so that they can later decide what to support and their timelines for providing the needed assistance. *(Standards 1.4 and 2.2)*

### **B. Technical Areas**

#### **1. Voter Registration (*Cedulación*)**

Voter registration involves several stakeholders. Citizens and the government's election administration apparatus are the most obvious stakeholders. But a number of other stakeholders have an interest in the outcome of the voter registration process inasmuch as it may effect the election outcome. These stakeholders include the government, the military, political parties, interest groups, social institutions such as the church, foreign governments, and international organizations.

Voter registration is often the single most costly component of an election. Therefore, issues relating to cost, including computerization alternatives, have been highlighted. Links to pages looking at periodic lists versus continuous registers or civil lists, computerization, and the pros and cons of self-initiated versus state-initiated registration contribute to the discussion. Questions of inclusiveness, administrative inclusion and currency/timeliness are also a major focus.

According to a CSE official, the *cedulación* process is the main area where the CSE will seek funding and assistance for its implementation since it is presently in a very precarious state. According to a CSE official, the main issue the CSE has faced in the past few years is the lack of funding to implement better programs, due to the fact that the Executive Branch has not supported his institution. In practical terms, the lack of funding has meant for instance, that the CSE had to close all their municipal offices (153 of them) and that 90,000 youths and people from the rural areas still need to register for next year's elections. The CSE has currently, seventeen offices functioning at the departmental level with only two people working in each of these offices.

The FSLN representative, Edwin Castro, mentioned that the voter registration process is a domiciliary system, very expensive but effective since it reaches most of the voters even in isolated areas of the country (JRVs). Mr. Castro suggested that circumscriptions around the country should be fixed, meaning that even if the JRV surpasses the 400 voter limit, another JRV should be created in the same voting center and not transfer the voter to another location.

### **Requirements and Procedures to Obtain an Identity Card (*Cédula*)**

#### **Requirements:**

1. Be sixteen years of age or turn sixteen years of age before or on the day of the next elections;
2. Present an original birth certificate;
3. Present two identity card-sized photos with the full face forward; and
4. Present a student identity card, driver's license, social security card, or passport. If an individual does not have any of these documents he/she must appear with two citizens that know him/her and have their identity cards with them.

#### **Procedures:**

1. After fulfilling the above requirements, the person goes to the Municipal Registration Office where he/she will be assisted by a registration official, who will check the documentation and then proceed to fill out the application form.
2. It is very important that individuals provide their correct address as concise as possible so that they can be assigned to the correct polling station (JRV) where the individual will vote.
3. The individual must sign the application form after reading the information supplied to him/her verifying that his/her names, surnames, place and date of birth are correct. Finally the individual marks the document with his/her fingerprint.
4. Once the procedure is complete, the lower section of the application form that includes name, surnames, application form number, place and date of application, signature and identification number of the officer that received the application and the office seal, is detached. This receipt must be kept in a safe place since the application form number, since it is important to be able to find the individual's file for any information requests. Also, this will be the permanent number of the applicant's identity card and must be presented when receiving his/her identity card.
5. A file will be created that includes the individual's birth certificate and Certificate of Witnesses attesting to the identity of the applicant and the properly filled the form, the number of which will be the one that is indicated in the printed official form, and includes the date of application, as well as the section that includes the signature of the official.

6. The delegation official must send completed applications at least twice a week to the Departmental or Regional *Cedulación* offices which in turn will send the documents received from all the municipalities to the General *Cedulación* Division in Managua.

7. Once the files are received by the General *Cedulación* Division, the Office of Reception, Control and File Archives will proceed to officially receive the files by marking the date of receipt in order to pass them on to the Office of Analysis and Adjudication.

8. Once entered, the file is sent to the Office of Analysis and Adjudication where upon review the following may occur:

a) The birth certificate presents alterations that result in an invalid document.

b) The applicant already has an existing file from soliciting an identity card (*cédula*) in another municipality, in which case the last file would be annulled.

c) The applicant has more than one birth certificate, in such cases the individual interested should proceed to annul the rest of the birth certificates, either before the Judge of the Civil District or before the Central Registration of the Civil Registry of Persons. Once the individual obtains the certification of nullity from the other registration centers, he/she can continue the application procedure.

d) The birth certificate that is presented belongs to another citizen who already has an identity card with that birth certificate. In such cases the individual is informed that the birth certificate presented belongs to another citizen and consequently their request will not be accepted, unless proven otherwise.

e) The birth certificate that the individual presented has the same parameters (folio, volume and entry), but does not coincide with the data that supplied at the moment the application was filled. In these cases authorities speak with the applicant since in most cases citizens are not aware of how data appears on their birth certificate.

f) In other cases, citizens use two surnames, however, their parents are not married by law or the father has not recognized the individual so the birth certificate appears with only with one surname though the individual was accustomed to using both. In such cases their identity card is issued as their name appears on their birth certificate with a single surname.

g) In other cases individuals' birth certificates do not have complete information, for example they lack the year of birth, the inscription folios are wrong, etc. In these cases the birth certificate is sent to the Central Civil Registry of Persons to verify the data. In general, the Law of *Cedulación* requires that all birth certificates be verified in the Central Civil Registry of Persons, which is managed by the CSE, though under another Office under the Directorate of *Cedulación* which does not explain why there have been cases of certificates taking up to ten years to complete the verification process.

h) Once the file has been analyzed completely, the *Cedulación* Division sends it to the Office of Direction of Data Processing which is responsible for the production of the identity cards. This Office of Data Processing and the Central Registration office are both the source of a series of difficulties in the production of identity cards. These difficulties include: numerous delays; identity cards with errors; lost files; placement of citizens in different polling stations, etc. The Division of *Cedulación* has maintained its position to produce its own identity cards because the administrative process is designed and divided between three different Directorates or Offices which complicates the process. The Office of Data Processing is in charge of the production of identity cards, and the management of the database of the Central Registry and the Electoral Register.

i) Once the identity cards are manufactured in the Data Processing Office, they are sent to the Identity Card office for their distribution to the Departmental Delegations which then distributes them throughout the Municipalities and Districts of the country.

Note: This procedure, which is supposed to be completed very quickly, faces three obstacles that make it almost impossible to obtain an identity card for some people:

1. The *Cedulación* is being handled in the Departments by the President of the Departmental Electoral Councils, which are divided among the political parties (PLC and FSLN), seven departments are Sandinistas and eight belong to the Liberals. Consequently and depending on the circumstances at times the files are retained, files disappear or are mistaken in these dependencies without explanations.

2. The files are sent from the Regional and Departmental Heads to the General Director of *Cedulación* which classifies, analyzes, and depending on the situation of the birth certificate of each case, sends them for verification to the Central Civil Registry of Persons which is a General Directorate that is dependent on the CSE. The majority of these personnel belong to one political party.

3. Once the file of the person requesting the identity card has been analyzed and completed, it is recorded and sent to the factory where the actual identity cards are made. This falls outside of the jurisdiction of Directorate of *Cedulación*, and is the responsibility of the Office of Data Processing, where the same situation occurs as in Central Civil Registry of Persons. Files often go missing, and identity cards often fail to be emitted. The Directorate data processing and the civil registry have personnel of a single party, with well defined interests. (*Standards 1.3 and 1.5*)

## **2. Voter List (*Padrón*)**

The voters list has not been updated this year and they have the same one used in the last municipal elections in November 2004. According to the CSE, there are 3,309,010 registered voters; 10,313 JRVs; and 4,296 Voting Centers.

The voter list (*padrón*) is another important worry from all sectors of the Nicaraguan society. Many agree that an audit of the voter list should be done and people who already

have their *cédula* or have a *documento supletorio* (supplementary voting document while waiting for their *cédula*) be added to the voter list as soon as possible.

According to most experts on this matter, the voter list (3.3 million) is inflated and the real *padrón* is between 2.6 to 2.8 million. The necessity of a re-verification campaign has been suggested by the CSE, FSLN, and civil society organizations as a way to “clean” the voter list and find out the “real” number of voters that will be available to vote in 2006. The 500,000-700,000 difference is due to the fact the voter list has never been purged since 1996 and most of those people are either dead, out of the country, or even duplicates. The only time you can take someone out of the voter list is when there is proof of death (death certificate). That is the only legal way to take someone out the voter list.

To be able to exercise the right to vote, correct inclusion in the voter list is not sufficient qualification: anyone who does not have a *cédula* authorizing them to vote cannot vote, even if they do feature on the voter list and can prove their identity with non-electoral documents. It is not even a necessary condition (Art. 41) to permit a person in possession of a *cédula* identifying them as a resident of that particular JRV, to vote, even though they do not feature on the voter list or their name appears in a different manner. On the contrary, the possession of a *cédula* is necessary and sufficient to be able to exercise the right to vote. (*Standard 1.5*)

### **3. Massive Civic Education Campaign**

The need for an early and continues civic education campaign is of high priority in Nicaragua. Public information and voter education will be the principal stages in developing this campaign. For citizens to be able to have informed participation in the electoral process, they must have knowledge of the whole process. Citizens need to know their political and electoral rights and ideally, the activity should be directed from the CSE, media and civil society in general. Repetitive campaigns of inclusive discussion will be required, especially in the urban areas. An education program, including all stages of the electoral process, on voters’ rights and responsibilities should be developed and implemented now. The program should also extend into schools/universities curriculum.

In order to enhance transparency, credibility, and public understanding of the electoral process, the CSE and the NGO group/s selected to assist on this topic, would organize a series of briefings and press availability sessions at key points in the electoral process. The role of the media and the civil society will be a very important link if the CSE decides to do their own campaign outreach leaving other stakeholders out of the equation.

A coordinated public outreach campaign between the CSE, media and civil society groups will be the ideal platform to inform the general public of the different stages of the political and electoral process. Since the CSE is not viewed as an independent broker in the political process, the media and civil society organizations will have to produce their own civic education awareness campaigns.

Nicaraguan media and civil society in general have the tools to start producing a massive campaign with the help of international groups that have experience in these types of programs. Surveys will also be an important mechanism to be used so that the campaign can be directed to specific population groups/areas and topics that need to be strengthened. *(Standard 1.6)*

#### **4. Technical Assistance to the CSE**

##### **a. Poll Worker/Political Party Poll Watchers**

Training election officials and poll workers is necessary to ensure uniform adherence to voting and counting procedures and regulations. To be effective, a training program should be participatory. Trainees need to leave the training with some kind of memory-aid copies of legal documents governing the election or a poll worker manual. Many electoral authorities have found the manual to be the best option, since it is a reference for trainers and practitioners. A manual serves another useful purpose, since sometimes poll worker training occurs several weeks or days prior to the election.

Poll workers must be familiar with polling procedures and with regulations and laws governing election organization and preparation. Poll workers must maintain a voting environment in keeping with the electoral laws and regulations. When procedures are not followed and the poll workers lose control of voting operations, the resulting disorganization and confusion can quickly undo months of effort, potentially calling into question the legitimacy of the process.

This is the reason why training should also be made available to candidates, political party poll watchers and domestic observers. The presence of knowledgeable poll watchers and domestic observers in polling stations instills confidence among the electorate. However, it is important that poll watchers and observers are aware of their rights and responsibilities as well as the limitations imposed on them by law.

Poll workers in Nicaragua are selected by their own political parties. Each political party sends their list of representatives to the CSE and the electoral authority is the one that finally distribute the members in equal numbers to each JRV. In the last election, there were 10,313 JRVs, which means that 61,878 poll workers are needed around the country. *(Standards 1.3 and 2.6)*

##### **b. Out of Country Voting (OCV)**

Election processes are extremely difficult to organize, however, are rendered even more complicated when an attempt is made to allow citizens living abroad to exercise their right to vote for the first time. It is possible that the government and the CSE in Nicaragua may attempt to implement a plan that will allow Nicaraguan citizens living abroad to exercise their right to vote in the 2006 Presidential elections. It is recommended that prior comparative studies be done in order to recognize potential countries and cities where voting could take place in, depending on the number of expatriates that are living there (pilot projects).



The logistical framework for recruiting and training those that would be involved requires a large amount of human resources. The following are some of the minimal technical election areas that should be considered in order to develop an OCV program: 1) voter registration and advertising campaigns; 2) identification of polling stations (JRVs) and security; 3) identification and training of poll workers; and 4) logistics and administrative assistance on polling day. (*Standard 1.1*)

The OCV program was originally discussed with the Nicaraguan Ambassador to the US, Hon. Salvador Stadthagen, State Department and USAID officials in DC and Managua, *Fundación Iberoamericana de las Culturas* (FIBRAS), IRI, and other local organizations including the CSE. It appears that the CSE is not interested in implementing an OCV program at this moment. A CSE official mentioned the fact that for such a program it would not only be necessary to fill out a form that can be used to register someone living abroad, but also there would be a great need of coordination between the Foreign Affairs office and the CSE if such a program was to be implemented seriously. At the present time, there is lack of formal coordination mechanisms between the CSE and the Ministry of Foreign Affairs to seriously discuss and resolve this issue.

An OCV program would also require funds that the CSE does not currently have, and a census of the Nicaraguans living abroad would need to be completed. The CSE official also mentioned that this program could easily be lead to manipulation by various sides, mainly consulates. He also mentioned that the FSLN could obtain a majority votes from Nicaraguan living in Costa Rica.

At the present time, various countries are working with different scenarios in terms of their OCV programs. For example, the Dominican Republic registered 52,400 (37,871 of them living in the US) potential voters out of an estimate one million Dominicans that are living abroad for their 2002 presidential elections. Also, Honduras is presently registering OCV citizens living in the US in preparation for their November 2005 general elections. Honduras invested US\$1 million for their OCV program in 2002, in which 10,880 (out of a potential 100,000) citizens registered to vote and only 5,010 actually voted (*See attachment 2 – Honduras Statistics*). Ecuador is also studying the possibility of implementing (already approved in the electoral law) their OCV program for the 2006 elections.

Clearly, OCV programs are a process that needs to develop over time, so that any efforts that the GON and the CSE can make towards the implementation of this program will be beneficial in the future. It does not seem to be feasible that this project will have general support at this moment, specially if we take into consideration other more important issues that are in need to be strengthen or change in this point in time.

### **c. General Assistance**

It is necessary that various other key areas of the electoral process be followed up and assisted if the CSE is willing to accept this accompaniment. It is necessary to look into the logistical organization, computer system, legal matters, electoral education campaign, transmission of results, etc. that way the confidence level from the international and local community will be more acceptable. An electoral assessment mission should be

organized to evaluate these matters in more detail. A team of consultant, expert on each of these areas, is recommended to assist in this specific program. (*Standards 1.3 and 2.6*)

## **IV. Local Civil Society**

### **1. Etica y Transparencia (ET)**

#### ***Background***

*Etica y Transparencia* (ET) is a non-profit civil society organization that supports institutionalism, democratic principles, sustainable human development, and transparency. ET is affiliated with Transparency International and has worked in Nicaragua since it participated as an electoral observer in 1996. The organization has also participated in electoral observation activities for the regional elections of 1998, municipal elections of 2000, and presidential elections of 2001. ET has also been involved in a promoting national dialogue and conducting a diagnostic study of electoral processes.

The election observation activities of ET played a key role in the 1996 elections which were plagued with irregularities and controversy. ET's systematic observation nationwide, covering more than half of the JRVs in the country, made it possible to quantify irregularities and their affect on the electoral results. At the same time, ET's quick count of the presidential votes provided another independent version of the results.

#### ***Past and Present Activities***

##### **Regional and General Elections (1998)**

In February 1997, ET carried out diagnostic studies for the upcoming elections in the North and South Autonomous Regions of the country, with the purpose of preparing the conditions, overcoming potential difficulties, and contributing to the quality and success of the electoral process of February 1998. Their diagnostic had a great influence over the programs that the various branches of the government developed in the region for those elections.

The questioning of the presidential electoral results by the FSLN and the subsequent failure of the bilateral negotiations between the FSLN and the new government sparked one of worst governance crisis in the post-war history, roadblocks and demonstrations were set up in various cities and highways across the country. To stop the spiral of violence and economic costs, the government called for a National Dialogue and proposed that ET direct it. The acceptance of 56 organizations, including the political parties with representation in the Assembly, civil society, the branches of government, etc., to participate in the dialogue was widespread, only one major actor, the FSLN, did not participate. ET was in charge of this Dialogue which lasted 4 months. It established more than 200 agreements between the participants which were an enormous contribution to the ending of the crisis. The independence of ET was also demonstrated when they later cited the government for not complying with many of the agreements from the

Dialogue.

### **Municipal Elections (2000)**

The observation of the 2000 municipal elections was carried out by ET with the participation of more than 5,000 observers. The municipal elections served to prepare the organization for the observation of the presidential elections of 2001, in which the ET's activities included a quick count of the presidential vote, as well as provided information for improving the next elections.

### **Present Evaluation**

A diagnosis of problems identified in the electoral system which, according to ET could de-legitimize the 2006 electoral process includes:

1. Total partisanship in the CSE;
2. Electoral law does not guaranteed the selection of independent magistrates;
3. The Law of Political parties does not regulate the internal democratic guarantees that ought to exist in the political parties, for instance, internal primary elections that should be used to select presidential candidates and candidates for the Assembly;
4. Unjustified elimination of viable candidates for president;
5. Incorporation in the electoral law of a prohibition against re-election;
6. Problems in the registration process (e.g. inefficiency in the reception of documents and delivery of *cédulas*);
7. Inefficiencies in the organization and management of economic resources directed towards the electoral process.

ET issued this early alert and call so that the 2006 elections could meet the basic conditions which will validate the process and assure that its legitimacy is not called into question. (*See attachment 3 – Pre-Election Reports 1-2*)

### **Proposed Activities for 2005/2006**

There are four main areas of work in which ET would like to work in preparation for the 2006 elections, starting as soon as possible. These four areas are: 1) Coordinated observation with other observation groups; 2) Specialized Electoral Studies: a) *Cedulación* (Audit of the registration process, verification in situ of delegations of *cedulación* and electoral districts); b) Absenteeism (studies to be able to project the levels of probable abstention in the 2006 electoral process); and c) Political parties financing and costs of electoral campaigns; 3) Impact on Electoral Reform (Impact campaigns in different sectors for the Electoral Reform); and 4) Electoral observation in 2006 (Restructuring and formation of networks of volunteers, training networks of volunteers in electoral observation, promotion of debates, get out the vote campaigns, quick-counts, publication of the results, resolution of conflicts and threats, etc.). The length of the projects will be around 16 months with an estimate cost of US\$1.3 million. (*See attachment 4 – Concept Paper*)

## **2. Fundación Iberoamericana de las Culturas (FIBRAS)**

### ***Background***

FIBRAS is a non-governmental organization created in 2000 by a group of intellectuals, artists, journalists, producers, businessmen and social analysts. Its purpose is to promote and strengthen the cultural fiber of the country, social debate on ideas, urbanity, and the political governance of Nicaragua, within the framework of deep reforms to the institutional order, inter-institutional cooperation and the promotion of civism at all levels, in the current trend of globalization and integration. The organization focuses its work on the Central America and Latin American regions.

The Foundation was officially granted legal status by the National Assembly of Nicaragua and meets the legal and fiscal requirements in general for implementation of its objectives. The organization is financed by its own directors, and also counts with resources negotiated with national and international agencies for the implementation of its projects.

### ***Past and Present Activities***

FIBRAS first participated as an observer group in the 2001 national elections, and the regional Atlantic Coast elections. FIBRAS has also focused on promoting participation in the accreditation of political analysts, commentators and others during electoral periods.

Currently FIBRAS is promoting the national vote and the OCV program as mechanisms for guaranteeing and solidifying democratic consolidation. FIBRAS has carried out seminars inside and outside the country on this topic. It has committed itself to a working plan that consists, among other activities, of regional surveys, (such as survey in Costa Rica to estimate the number of possible Nicaraguan voters in this country), forums on the interaction of voting abroad by other Latin American countries, such as the Dominican Republic, and perspectives on the promotion of the delivery of identity cards (*cédulas*) within Nicaragua.

### ***Proposed Activities for 2005/2006***

At the moment, FIBRAS is running a program, “Your vote makes the difference,” which has the following components: 1) *Cédulación*, to stimulate the active participation of citizens with the election of authorities, regardless of the location of the voter, that is both nationally and abroad; 2) Motivation of the local vote in order to stimulate civic participation through voting; and 3) Promotion of the OCV program to promote the vote of Nicaraguan citizens living abroad. The tentative cost of the project, which would run for about 15 months, is around US\$350,000. (*See attachment 5 – Unsolicited Proposal*)

### **3. Grupo Fundemos**

#### ***Background***

*Grupo Fundemos* was created in 1991 as an initiative of a small group of Nicaraguan citizens committed to the consolidation of democracy in Nicaragua. *Fundemos* is a non-profit, non-governmental organization engaged in the difficult challenge presented by Nicaragua's transition to democracy. The organization promotes the rule of law, and the strengthening of democratic institutions and civic participation. Some of their specific objectives include: 1) encouraging democratic governance; 2) promoting the modernization and democratization of political parties; 3) facilitating linkages between the governmental authorities and civil society; and 4) stimulating a more responsive and representative legislative function.

*Fundemos* works at the municipal, departmental, and national levels throughout Nicaragua. The main focus of the organization are civil society; NGOs; associations and union movements; municipal governments; regional councils; political parties; and state institutions, among others. (*See attachment 6 – Institutional Materials*)

#### ***Previous Activities***

Although *Fundemos* has not participated directly in electoral observations, the organization was the driving force behind the National Electoral Observation Project of 1996 from which ET emerged. The institution has also gained experience in debates on the constitutional reforms of 1995; electoral forums (for the Atlantic Autonomous Regional Elections); training of political leaders; promoting voter participation with other organizations; electoral debates; and campaigns for peaceful elections.

#### ***Proposed Activities for 2005/2006***

*Fundemos* has not presented a formal proposal to any potential donor, but the organization did express interest in working on topics that are related to electoral reform issues at the municipal levels, where they believe their effort will have the most impact.

### **4. Hagamos Democracia (HD)**

#### ***Background***

*Hagamos Democracia* (HD) is a non-governmental, non-profit and non-partisan organization that was created to contribute to the strengthening of the democratic process through the civic education and training of public officials in democratic culture and civic responsibility. HD was created on March 1<sup>st</sup> 1995 as a result of two prior experiences which proved to its founders that civic participation and intervention were successful in influencing government action.

## ***Past and Present Activities***

One of the major accomplishment for the organization was the elaboration of the law titled "Citizens Initiative for Laws", which allows citizens to present drafts of legislation before the National Assembly with an endorsement of five thousand signatures. The organization has also been successful in establishing direct contact among representatives, national and departmental, and the civilian population to determine government bills. HD has supported the training of legislators of the National Assembly, and has participated in the electoral observation process since 1996.

Some of HD's principle achievements have been: encouraged National Assembly members to respond directly to their constituencies by means of open town meetings and radio programs (other regional Assemblies have replicated the HD model of open town meetings in an effort to modernize their legislatures); motivated National Assembly members to open offices in their districts to better attend their electorate; supported the training of the legislators of the National Assembly; trained local groups organized by HD in eight departments of the country and in the Autonomous Regions in diverse themes related to civic participation; participated as an observer in the national elections since 1996 and in the regional elections since 1998; participated as a member of the delegation of the International Republican Institute (IRI) in the general elections of Venezuela in 1998.

HD has presently been working on a project called "Strengthening of the Office of Civic Participation of the National Assembly" sponsored by a Trust Fund (Netherlands and Japan) and administered by the World Bank (US\$120,000). The main objective of the program is to follow up on different legislative programs and the performance of various commissions. There are their three main areas of work in this project: 1) Modernization of office infrastructure (e.g. new computers, increase office space so more people are able to use the premises, etc.); 2) Office publicity focusing on radio and written media explaining the benefits and roles of the office; and 3) Civic education, where HD brings high school students to the National Assembly as a way of promoting their legislative program.

HD is currently implementing a second project for the promotion of civic participation and electoral reforms which is financed by the National Endowment for Democracy (NED) with a cost of US\$85,000. They are also working on the formation of focus groups to debate the issues of reform in the election of legislators. Their aim is to adopt an electoral Nicaraguan model that will be appropriate for the social, economic, and political realities of the country.

Additional Activities - HD is also carrying out forums in various universities whose purpose is to debate these issues with students in order to create awareness amongst this broad sector of the population of the need of reform in the way that legislators are elected. HD advocates an electoral reform that would guarantee a more direct relationship between those elected into office, and their constituency.

HD also works on the implementation of civic participation forums. The goal of these forums is to discuss the social, economic, and political problems that the country faces with the objective of raising citizens' awareness so that they can become aware of the need for their participation and involvement in creating solutions.

### ***Proposed Activities for 2005/2006***

#### **Short Term:**

1. Electoral observation of the regional and presidential elections of 2006. HD can rely on a network of volunteers across the national territory with extensive experience in this type of activities. Their program is organized to start four to five months before the elections; run during election-day; and take part in the post-electoral work (15 days after the election) so they may analyze any pending electoral disputes.
2. Promotion of voter participation, emphasizing the "split ticket vote" in the election of legislators. The objective is to consolidate the trend that has recently emerged in the behavior of Nicaraguan voters who are voting for candidates of different parties rather than voting across the party slate ("cascade vote").

#### **Medium/Long-Term:**

3. Through a targeted program, HD proposes to support a *cedulación* campaign for high school students of voting age by visiting schools to identify the greatest possible number of young voters who will be eligible to vote for the first time in the 2006 elections but have no identification card as of yet. Also, HD proposes to support the reissuing of *cédulas* to students that have lost their original identification cards. This activity or service will also be carried out amongst the general population, so that HD can serve as an agent of the CSE, with which they say have had an excellent working relationship, by signing an agreement with them on the issue of *cedulación*.
4. HD also promotes education in democracy, a program carried out in coordination with the Ministry of Education. This program of civic education promotes democratic values in teachers of civic formation and secondary school students throughout the country.

## **5. Instituto Nicaragüense de Estudios Humanísticos (INEH)**

### ***Background***

The *Instituto Nicaragüense de Estudios Humanísticos* (INEH) is a non-profit organization legally established in 1997 and it is dedicated to promoting the integrated development of the Nicaraguan society, creating responsible politics, with the participation of the civil society and state and local institutions. INEH aims to promote and implement projects and investigative studies that are of a political-social, cultural and economic nature, and have a focus on human development from the gender perspective. INEH coordinates with national and international entities to implement activities that strengthen the formation and promotion of democratic values, and which will help the

Nicaraguan society understand the importance of the shared responsibility of citizens, agents in meeting the challenge that the country faces.

### ***Past and Present Activities***

INEH has thus far not been directly involved in electoral observation activities. However, the organization has participated in political training for community leaders; members of the National Assembly; and politicians by offering them diplomas and master's degrees (through agreements with different universities throughout the country). Since 2003, INEH has also developed a program called "Civic Participation for Effective Municipal Management."

### ***Proposed Activities***

The "Strengthening Democracy Project" that INEH is proposing will provide electoral training for 15,000 thousand people, who will be accredited as electoral party poll watchers who come from reputable Nicaraguan political forces and that adhere to democratic principles and values. The intention is to guarantee that the elections of 2006 will count with the participation of personnel trained to guard and defend the integrity of the process. The proposed program has an estimated duration of 12 months. (*See attachment 7 – Concept Papers and Institutional Materials*)

## **6. Instituto para el Desarrollo y la Democracia (IPADE)**

### ***Background***

The Instituto para el Desarrollo y la Democracia (IPADE) is a Nicaraguan organization created on March 14<sup>th</sup> 1990, and has contributed to Nicaragua in the areas of political culture; democracy; civic participation; and local development. Their activities include: 1) local development programs for small producers; 2) training of civil society leaders and leaders of local associations; and 3) pre-electoral campaigns and electoral observations. (*See attachment 8 – Institutional Materials*)

### ***Previous Experience***

IPADE has participated in pre-electoral activities and elections observation from the 1996 elections up to the 2004 municipal elections. This means that IPADE has participated in all the national elections, as well as the municipal and regional elections in this time period. During the 1996 elections, IPADE carried out a series of activities, including the following:

Pre-Electoral activities:

1. Civic education campaign to encourage citizens participation in the national and municipal elections of 1996;
2. Training of civic promoters for democracy;
3. Coordination discussion forums with the candidates;



4. Coordination of civil society committees and civil society organizations;
5. Research on aspects of political culture and elections;
6. Training for municipal candidates;
7. Training for community leaders from civil society organizations;
8. Elaboration of electoral observation manuals; and
9. Elaboration of surveys of opinion on the state of democracy.

Election-day Activities:

1. Electoral Observation;
2. Coordination with other electoral observation organizations (ET, HD, etc.); and
3. Coordination with the CSE

Post-Electoral Activities:

1. Preparation of reports of the electoral observation; and
2. Training for selected municipal authorities.

Some of the programs and projects were carried out the support of international and national organizations that include: ASDI; DANIDA; USAID; CSE; Association of Municipalities of Nicaragua (AMUNIC); etc. (*See attachment 9 – Surveys; Election Training Materials; Final EO Reports*)

### ***Proposed Activities for 2005/2006***

IPADE is already planning activities for the national elections of 2006 and has prepared a detailed proposal that it has already sent to various donors based in Nicaragua. The project is called “Promotion of Citizen Participation in the Regional and national Elections of 2006”. The duration of the project will be around sixteen months with a total cost of US\$457,000. They are presently soliciting US\$411,500.

The Project is justified due to the unfavorable conditions for the civic exercise of the vote, that is, a risk that the autonomy of vote in regional elections may be lost; a polarized environment for the national elections; and a potential risk of fraud in the national elections (ex. not updating the voter list). (*See attachment 10 – Unsolicited Proposal*)

## **7. Movimiento por Nicaragua (MpN)**

### ***Background***

*Movimiento por Nicaragua* (MpN) is a participatory, non-partisan, civic movement focused on building, strengthening and defending an authentic institutionalized of democracy and the rule of law in Nicaragua. MpN was formed seven months ago as a new initiative growing out of the December 2004 “*Encuentro por Nicaragua*” forum. The group sees democratic institutions and respect for the rule of law as the fundamental pillars upon which the Nicaragua has to be constructed. MpN is an important and active

member of the *Red por Nicaragua* group that participated in the first massive anti-*pacto* and anti-corruption march on June 16<sup>th</sup> 2005.

### ***Past and Present Activities***

MpN has implemented activities that aim at promoting the active participation of the population in political questions, and orienting the population through civic education. The movement looks on these elements as indispensable for the sustainable human development of Nicaragua. The movement organized public events and several marches to highlight democratic positions on current issues related to governance, pluralism and citizen participation. One of the marches in June 2005 was able to mobilize between 60,000 and 100,000 people against the PLC-FSLN *pacto*. This huge event was coordinated in conjunction with the *Red por Nicaragua*, a network of civil society groups, political parties, and people in general, that was organized by the movement.

### ***Proposed Activities for 2005/2006***

There are five main activities MpN is organizing and proposing to do as part of the civic education awareness campaign they have engaged since its creation.

The first activity is the drafting of an “Internal Authorities Law and Primary Elections for Political Parties” and is developing a thematic package which will be used to educate the public on the importance of democratic institutions. MpN is presently collecting signatures for the introduction of the law initiatives by citizens. Without democratic practices within the political parties there will be no democracy in Nicaragua. This law is created so that citizens can be the ones to decide who should be the candidates in popular elections.

A second activity has to do with a massive communication campaign such as media campaigns, street theatre, radio, etc. The lack institutionalism affects the day-to-day lives of citizens; therefore, it is essential to communicate to the public the importance of their vote to ensure a transparent process and to communicate the benefits of a democratic system.

MpN is also organizing citizen awareness or mass mobilization campaigns against the *pacto*, corruption and electoral fraud, in favor of true democracy, with the purpose of opening spaces of citizen participation that will awaken the public and motivate them to participate in the creation of solutions in a civic and peaceful manner to the problems regarding institutionalism that face the country. This activity is probably one of the most important since the democratic process will need to start from the mobilization of Nicaraguan common citizens since it is the only non-violent mean to fight for their political right against a *pacto* that controls the process at the National Assembly, Judicial Branch, and CSE levels. A need for popular marches will need to continue its momentum so that it can force some type of reform for other party organizations and leaders to be able to run a free and fair political campaign.

A fourth activity has to do with the electoral process in which MpN would like to participate directly or indirectly in the observation activities of the electoral process. They have requested that the OAS send an observation mission to Nicaragua for the electoral process starting as soon as possible. Also, MpN is interested in analyzing the implications of the resolution of the Pan-American Human Rights Court in the case of Yatama that orders modification to the Electoral Law and to promote and pressure through this resolution the changes required to this law to guarantee transparent and clean elections in 2006.

Flag placement campaign is their fifth activity (related to the citizen mobilization activity) which invites to promote a massive national campaign so that citizens can show their patriotism and the love for their country to the highest values of the Nation by placing a flag in their car, house, bicycle, and office. The purpose is to increase national dignity and patriotic feelings among citizens a united front against the *pacto*.

## **V. International Groups**

### **1. Carter Center**

#### ***Background***

The Carter Center is an Atlanta-based organization that was established in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter. The Carter Center is committed to advancing human rights and alleviating unnecessary human suffering with specific focus on peace-making; promoting democracy; disease control and prevention; and mental health issues in over 65 countries. As requested by the Nicaraguan government, the Carter Center has observed national and municipal elections in the country since 1989 in order to promote free and fair elections. Observation activities include: 1) team evaluations of preparatory activities for campaigning; 2) assessment of electoral developments; and 3) observation of electoral procedures. The Center also makes suggestions on how to improve the electoral process.

A pioneer in monitoring free and fair elections, the Carter Center has made important contributions to advancing democracy and free trade in the Western Hemisphere. The program and its Council of Presidents and Prime Ministers of the Americas work to deepen inter-American relations and to strengthen democracies by encouraging accountability and transparency in governments. The Center's program also helps citizens and governments fight corruption; develop methods of making political financing more transparent; and involve civic groups in public dialogue on crucial national issues and laws.

#### ***Past and Present Activities***

##### **Past Election Observation**

The Carter Center organized sizeable election observation missions in Nicaragua's presidential and legislative elections in 1989-90, 1996 and 2001 (*See attachment 11* –

**EO Final Reports**). On each occasion, the Center received USAID funding for its work, and coordinated with domestic and other international observer groups. During the electoral process, the Center's expertise combined with the flexibility that it enjoys as a non-governmental organization that permits its staff to make recommendations for improvement in election practices *as the process unfolded*. The Center traditionally begins its observation well in advance of election day, in order to observe all the steps in the election process including voter registration; party registration; candidate registration; voter verification; ballot production; campaign rallies; media use; election security; election day procedures; election night count; quick counts and activity by other observer groups; resolution of challenges by regional electoral authorities and the Supreme Court; and the inauguration of the newly-elected president. During the electoral process the Center publishes periodic statements on progress towards the elections and draws national and international to processes. After the elections have taken place, the Center published reports on the election that includes a set of recommendations for improving the law and practice of the electoral process.

#### **Current Political Assessment Activities:**

In June of 2005 the Friends of the Inter-American Democratic Charter grew sufficiently concerned about the ongoing constitutional crisis in Nicaragua to send former Argentine Foreign Minister Dante Caputo, and former Mexican Minister for Human Rights Mariclaire Acosta, to Nicaragua on a fact-finding mission. The result of the mission was a private report that was shared among the Friends and the OAS Secretary General, Jose Miguel Insulza and his closest staff advisors. The report drew attention to the 2004 extension of the initial PLC-FSLN *pacto*, and its potential consequences for democratic governance in the country.

The report contributed to the Secretary General's desire to personally visit Nicaragua to assess the situation, which he did in mid-June of this year. Upon his return to Washington, he told the Permanent Council of the OAS that the situation in Nicaragua was serious enough to warrant sending a personal representative to the country. He chose to send Dante Caputo, perhaps reflecting the helpfulness of the private report that was drafted in large part by Caputo in his original mission to the country.

#### **Proposed Activities for 2005-2006**

##### **2006 Elections**

Given the Center's record of past and current activity, the Carter Center is well equipped to monitor the 2006 electoral processes in Nicaragua. We foresee a need for international election observation of the elections due to the ongoing perceptions that the *pacto* between the PLC and FSLN has impacted the neutrality of electoral authorities. Allegations of fraud in the municipal elections in 2004 are a further argument for the presence of international observers. However, the Center's interest in observing the 2006 elections is conditioned in part on the degree to which pre-electoral activities suggest that the electoral authorities will have the capacity to administer the elections impartially.

### **Pre-election Activities**

The Carter Center feels that early monitoring efforts for domestic and international programs are needed. Monitoring should start immediately. Funds permitting, the Carter Center would conduct quarterly fact-finding visits with its Friends of the Democratic Charter group for the remainder of 2005 and first half of 2006. Such visits would be timed to collect information concerning key developments in the electoral calendar, such as registration of parties and candidates, and accompanying special events that encourage openness such as debates or the creation of ethic accords and non-violence agreements.

It is hoped that one visit might coincide with the spring Atlantic Coast elections to gather lessons that election might have for the national election that will take place later in the fall of the same year. Direct participation in the observation of the regional elections under the banner of another observer group, such as the OAS, would be considered. The Center also focuses on party finance and would seek to assess the sources of funding and types and amounts of expenditures that the parties undertake for the elections. According to the Nicaraguan electoral law, expenditures are undertaken by the political parties prior to the official opening of the campaign, since they often purchase media time months before the official campaign begins.

### **Election Observation**

The Carter Center would monitor the election process themselves if the pre-election period suggested that the framework for the elections was sufficiently democratic, that it encompassed a legitimately competitive, inclusive, free and fair election. Monitoring would begin with the registration and verification processes. After the campaign had begun, monitoring of rallies and other campaign activity would be facilitated by the presence of medium term observers. Continued periodic visits by former political leaders in the Friends of the Charter and/or from the Carter Center's Council of Presidents and Prime Ministers of the Americas would generate news coverage of their assessments of electoral preparations. At an appropriate moment in the electoral calendar, the Center would also establish a field office that would help direct and coordinate activities; prepare the logistics for voting day observations; and maintain contacts with the government, parties and international community present in Nicaragua.

## **2. Centro de Asesoría y Promoción Electoral (CAPEL)**

### ***Background***

The Inter-American Institute of Human Rights (IIDH), located in San Jose, Costa Rica is an independent international academic institution that was created in 1980 under an agreement between the Inter-American Court of Human Rights and the Republic of Costa Rica. The IIDH supports the Inter-American system of international human rights protection and implements more than 50 local and regional projects that emphasize teaching and academic research on human rights with a multidisciplinary approach among non-governmental organizations and public institutions across the Americas.

The Center for Assessment and Electoral Promotion (CAPEL) is a specialized program of the IIDH that was created in 1983 and started working in Nicaragua in 1985. IIDH/CAPEL have focused their activities on providing assistance in the following areas: 1) Observation Missions; 2) Seminars and courses; 3) Technical assistance projects; 4) Meetings and conferences; and 5) Civic education campaigns.

### ***Past and Present Activities***

Previous activities that IIDH/CAPEL has participated in include the following: 1) Seven technical assistance projects (1989, 1990, 1994, 1996, 1998, 2001, and 2004) related to both the CSE and political parties (*See attachment 12 – Final Technical Assistance Report of 2001*); 2) Two civic education campaigns of great importance and impact (1989 and 1996), among them “Your vote is secret” that has been recognized as having significant influence in the elections of 1990; and 3) Three conferences on the Tikal Protocol and various other academic activities and promotion of political rights.

### ***Proposed Activities for 2005-2006***

The components of what CAPEL is proposing to do demonstrate a balance and a creative relationship between academic activities, institutional accompaniment with measurable objectives, and specialized technical assistance. Actors involved in the initiative include: CSE, civil society organizations and communications media.

The activities that will be carried out within the framework of the project include a combination of direct technical assistance; institutional accompaniment to the CSE; organization of conferences and specialized meetings with extensive coverage that permits the participation and exchange among the various actors; and use of diverse mechanisms to draw together the various actors with mutual sensitivity.

At the end of the Project the expected results are:

- An increase in the capacity of the CSE and of its technical offices to assume responsibility and to address each phase of the electoral calendar that culminates with the November 2006 elections, and a comparative increase in its capacity to address the challenges that have been resolved successfully in other similar national situations
- An increase in the capacities and skills of poll worker officials (and if it is the case, of representatives of political parties) to efficiently carry out their work on election-day and to resolve situations that require interpretation and corrective actions

Greater interaction among electoral authorities, on the one hand, and civil society organizations and communication media on the other hand, that will permit minimum agreement on the general sense and development of the electoral process, particularly in the matters of transparency and in media coverage of the various phases of the process.

### **3. Creative Associates International (CAII)**

#### ***Background***

Creative Associates International (CAII) is a US for-profit consulting firm that aims at helping their clients turn transitional environments, into a positive force. CAII was contracted by USAID in 2001 to design and implement short-term elections support activities which had two purposes: 1) To establish a small grants mechanism to support local NGO action in order to increase voter participation in the national elections; to perform domestic electoral observations; and to carry out voter and civic education and advocacy activities related to the national elections of November 2001; and 2) To provide direct technical assistance to strengthen local NGOs engaged in the electoral process.

#### ***Past and Present Activities***

CAII has a long history of providing technical excellence and rapid response to the needs of countries experience significant political transition. In 2001, CAII was able to quickly assess the political environment in Nicaragua and launch an impressive network of organizations within a short period of time. Through the SWIFT II mechanism, for example, CAII was able to provide technical assistance and the administration of accessible and effective grants that were designed for maximum project impact and community participation. CAII is also known for its flexibility in its approach and its wide range of assistance.

#### ***Proposed Activities for 2005-2006***

##### **Radio soap opera on Nicaraguan history**

Because middle-aged and older Nicaraguans seem to be unaware of the difficulties that today's youth faced and this impacts the politics of the country, CAII is proposing to develop a series of programs aimed at Nicaraguans of all ages that will be designed to bridge the generational gap and put into context the current political situation. Using the medium of a radio soap opera series, CAII will develop a program that impartially reviews Nicaraguan history from the vantage point of a typical Nicaraguan family: a grandparent, a parent, and a child.

Similar to CAII's effort in Guatemala with the production of the documentary and TV spots *Para Que No Se Repita*, and to CAII's election related soap opera series in Haiti, *Bèl Pawòl*, the soap opera would stress the importance of remembering and learning from the nation's past. By using a tri-generational perspective, the CAII program would ensure impartiality and avoid alienating voters and potential voters. By contracting with a Nicaraguan playwright, special care would be given to the structure of the dialogue in the soap opera series, and every effort would be made to appeal to the most disenfranchised segments of Nicaragua's population.

Building on its nationwide network of locally-based organizations, CAII will initially work closely with local radio stations. Coupled with other CAII initiatives, and as word

of the soap opera series spreads, CAII will also seek partnerships with national radio stations.

### **Publish in newspapers and radio programs a layman's explanation of constitutional articles, constitutional reforms, and the electoral law**

There is a widespread lack of knowledge regarding the meaning of the articles in the constitution, as well as the country's electoral law. By explaining to citizens in simple terms the meaning of these laws, CAII will help ensure and prepare a well-informed and knowledgeable electorate, especially amongst the youth and other disaffected voters. Coupled with other activities, this increased knowledge will also encourage debate at a critical stage in the still country's fragile democracy.

The *La Prensa* daily is the most credible and reliable newspaper in Nicaragua with the highest circulation in the country at 30,000 copies per day. Efforts in the past by local organizations to track the work of the National Assembly and its deputies through information published in *La Prensa* were highly successful. Building on this experience, CAII proposes to partner with *La Prensa*, and other appropriate media organizations, to publish information regarding the constitution, the electoral law, the reforms made to them by Alemán and Ortega, and the effects these changes have had on Nicaraguan democracy and the rights afforded to citizens.

As this initiative develops and expands, CAII will disseminate related information through other media organizations (*Confidencial; Esta Semana; TV; El Nuevo Diario*). Through its nationwide network of locally-based organizations, CAII will also ensure remote and traditionally disenfranchised areas are provided with this same useful information.

### **Informational radio ads/programs**

As radio is the most effective media in remote and rural areas in Nicaragua, CAII proposes to produce and air radio programs on stations throughout the country as a means of informing a widespread segment of the population. CAII will produce a series of public service announcement/ads aimed at informing listeners on developments related to the electoral process, as well as shorter spots that build on the tri-generational soap opera series.

### **Candidate debates**

In preparation for the upcoming elections, CAII proposes to organize candidate debates to be aired on radio stations throughout the country. These debates would begin with the Regional Atlantic Coast elections slated for February 2006.

Stressing the impartiality of its initiative, CAII would invite all participating candidates for a specific office (i.e. North Atlantic Autonomous Regions councilmember candidates for Bilwi) to participate in an on-air event. Participating candidates would each be given an equal amount of time to explain their platform and listeners would then be allowed to call and ask questions. Though sponsored by CAII, the programs would be organized and moderated by members of CAII's nationwide network of locally-based organizations.



In cases where radio debate programs might not be viable, CAII proposes to organize town-hall meeting style debates, where citizens of a given geographical area would personally attend the forums and interact with candidates.

While CAII recognizes the challenges involved in ensuring the participation of candidates, past experience has shown that candidates who are running for office are more inclined to participate in public events of this nature, especially in rural areas. Because activities that ensure public participation are infrequent, providing venues for interact with citizens in which they can explain their platforms are attractive to local candidates.

#### **Get-out-the-vote campaign – youth oriented concerts**

CAII will seek partnerships with the Nicaraguan business sector in an effort to organize events targeting youth. Supported by the collaboration of the business sector through in-kind donations, CAII will organize a series of concerts to promote youth participation modeled after Rock-the-Vote efforts in the U.S. CAII will coordinate with the CSE to set-up mobile registration units at the events so that concert attendees can register to vote and proof of registration will be necessary to enter the concert venue. These concerts would be organized throughout the country prior to the presidential elections, with a final concert held after the elections requiring proof of voting for entrance.

Potential business sector partners may include, among others: *Ron Flor de Caña, Cervecería Victoria, Coca-Cola, and Grupo Pellas.*

Most of the proposed activities described above were taken from a concept paper that CAII provided, though it is still not in its final format. They are planning on completing a non-solicited proposal with a budget to be presented to USAID at a later date. I included some of their ideas since they are very different from the other program proposals that have thus far been discussed. (*See attachment 13 – Proposed Activities*)

## **4. International Foundation for Election Systems (IFES)**

### ***Background***

IFES was founded in 1987 as a non-partisan non-profit organization with the purpose of building democracy at large. It is now one of the world's premier democracy and governance assistance organizations. IFES provides targeted technical assistance to strengthen transitional democracies and has developed and implemented democracy solutions in more than 100 countries.

### ***Previous Activities***

#### **Assistance to the 1990 Elections**

IFES received a grant from the NED to provide assistance to Nicaraguan political parties in voter registration and participation for the 1990 elections. This was later expanded

with a second NED grant to IFES to support the Nicaraguan non-governmental organization *Via Civica* with voter education and registration efforts.

#### **International Election Donor Meeting and Needs Assessment (1994)**

IFES supported an international assistance donors' conference held on July 26, 1994 to coordinate aid for the 1996 Nicaraguan elections. IFES conducted a detailed analysis of the Nicaraguan electoral system and made recommendations for potential programs to improve: civil registry; national identification and voter registration; training of electoral officials; civic education; conduct of international election observation missions; and deployment of political party poll watchers.

#### **Observation Mission of Ad Hoc Registry and Verification (1996)**

In preparation for the watershed presidential, legislative, Central American Parliament and local elections of October 1996, IFES provided technical assistance to Nicaragua to help verify the validity of the vote in 26 municipalities of the "ad hoc" voter registration system which was use in those locations. IFES also monitored application of the newer integrated voter registry/civil status/national identity system in another 119 municipalities. The IFES team included a computer expert and two experts in registration and electoral districting, as well as three IFES staff members with extensive elections monitoring experience. While judging the Nicaraguan effort to be a qualified success, the IFES experts made a series of recommendations for continued improvements in the voter registration effort.

#### **Technical Assistance and International Election Observation (1996)**

For the October 1996 elections, IFES provided a technical pre-electoral evaluation; technical assistance for the election process; advisory services on civic education; and conducted electoral observation. The IFES pre-election technical report was used by most international observer groups as the basis of their efforts. It documented a variety of technical challenges, notably with voter registry; electoral administration; logistics; and inter-institutional coordination.

The IFES election observation covered issues like:

1. Pre-electoral environment;
2. Analysis of legal, regulatory and administrative issues of electoral process;
3. Electoral registry documentation;
4. Political party behavior and treatment of parties;
5. Civic education campaigns;
6. Public opinion polling;
7. Makeup and actions of Vote Reception Boards;
8. Vote tallying and verification process;
9. Communication and transmission of results;
10. Voting observation by Nicaraguans;
11. International observation; and
12. Electoral results.

### **Institutional Strengthening Assistance to the CSE (1997)**

IFES provided technical assistance to the Nicaraguan CSE to accomplish the following:

1) Create a Planning Unit and begin operations; 2) Design a new organizational structure; and 3) Design a new operating manual for the CSE.

### **Electoral Technical Assistance (1997-98)**

IFES fielded two consultants for technical assistance to the CSE in preparation for the March 1, 1998 Atlantic Coast Elections. The objectives were: 1) To provide an analysis of the CSE administrative structure and implementation of recommendations for reorganization, including development of new procedures manuals; and 2) To provide recommendations for strengthening voter registration. IFES consultants worked on the design of a new CSE administrative structure and helped implement the recommendations, including the creation of the Electoral Logistics and Planning Unit. This included assistance in program development that ensured effective use of human and financial resources. IFES assisted the CSE in developing procedures manuals, and worked with the CSE in implementing the voter registration project, which delivered documentation to over 80 percent of registered voters in the Atlantic Coast Region. The national identification (“*cedulación*”) database was connected to other voter information in the Atlantic Coast registry, and a control system for change of domicile requests was also incorporated.

### **Electoral Technical Assistance (1998)**

IFES conducted a technical and administrative evaluation of five requests from the CSE for funds that were to be used for potential technical election assistance, with the support of the Government of Sweden. For this evaluation, IFES consulted with a wide variety of actors, including: the CSE; civil society organizations; the international community of assistance donors; government agencies and organizations such as the Civil Registry Office; and regional Civil Identification Offices.

### **Electoral Law Reform (2000)**

In January 2000, the major political parties in Nicaragua banded together to enact major changes in the electoral law. These changes resulted in the reduction of the multi-party system to a two-party system and in the sharp control of the CSE by the FSLN and PLC. In response to these issues, a group representing 20 different civil society organizations (CSOs) and political parties convened to discuss elections reform issues, to seek a consensus on reforms and to develop a specific proposal that was to be implemented before the November 7 municipal elections.

### **Electoral Law Reform (2004)**

It is with this background that IFES was been invited back to Nicaragua in 2004. IFES was asked to work with the different local groups to provide technical assistance on electoral reform; to assist civil society in the discussion; to provide logistical support for the analysis and advocacy of reforms through seminars; provide technical expertise; and assist civil society in the preparation of a draft proposal for electoral reforms to be presented to the National Assembly.

## ***Proposed Activities for 2005-2006***

IFES has not provided a concept paper to USAID, as of yet, but during conversations held with their DC personnel, a strong interest in providing long-term technical assistance to the CSE in the same way that they did in 1995-1996 was expressed. IFES provided similar assistance during the Peruvian electoral processes of 1995 and 2001; and in Ecuador's 2002 election. IFES has an experienced group of international consultants who could provide assistance to the CSE in areas such as voter registration, logistics, electoral law, voter education, IT support, and transmission of results.

## **5. International Republican Institute (IRI)**

### ***Background***

The International Republican Institute (IRI) is a non-profit organization that was founded in 1983 with the purpose of providing support for activities aimed at advancing democracy; freedom; self-government; and the rule of law worldwide. IRI programs are nonpartisan and adhere to the fundamental American principles of individual freedom, equal opportunity and the entrepreneurial spirit that fosters economic development.

### ***Past and Present Activities***

IRI has been committed to Nicaragua's democratic process since it began to work in the country in 1986. IRI dispatched international observers to the historic presidential elections held in 1990 and 1996. During the November 2001 elections, IRI was present with a 56 person delegation. In addition, IRI also participated as an international election observation group in the 1994 and 1998 Atlantic Coast regional elections.

Beginning in 1994, IRI collaborated with *Grupo Fundemos* to provide civic education to the general public and technical training to political party leaders. In 1995, IRI also worked with the Nicaraguan Small and Medium Business Association (UNIPYME) on a legislative advocacy project. Since 1995, IRI has worked closely with *Hagamos Democracia* (HD) to strengthen civic participation and improve the lines of communication between elected officials and their constituents. Beginning in 1997, IRI and HD initiated a multi-faceted program to assist National Assembly legislators in becoming more effective and ethical leaders. With the inauguration of new legislators on January 9, 2002, IRI and HD continued their work with the National Assembly and its legislators, helping them to forge strong relationships with their constituents.

To address the need for accountable politics in Nicaragua, IRI and HD are working to increase citizen participation and legislative accountability. Both groups are also conducting issue-oriented town-hall meetings with legislators from the National Assembly.

### **Electoral Observation – National General Elections (1996)**

IRI opened an office in Managua to assess the pre-electoral climate and to prepare for an international election observation for the October 20, 1996 elections. IRI issued periodic updates on the election process prior to October 20 and a more in-depth analysis was presented following the election.

IRI identified the challenges, deficiencies and successes in Nicaragua's 1996 election process by focusing on the election administration and the electoral environment.

The electoral process was affected by the January 1996 reforms to the Electoral Law. The CSE was delayed and distracted during the October elections due to the lateness and controversies that the reforms generated. The provisions on disqualifications of candidacies caused major controversies and forced the CSE to spend a great deal of time ruling on various cases. The civic education campaign failed to inspire confidence among the electorate regarding registration and election processes. The training of election workers and party poll watchers did not meet expectations. The long-delayed completion of the Voter Registry List and its audit resulted in numerous errors and insufficient time to correct them, while delays in the production and distribution of electoral materials caused election-day problems. Deep political polarization, technical complexities, and organizational and administrative inefficiencies contributed to conflicting claims and several parties refusing to accept preliminary results. The process of reviewing and recounting votes became laborious and complex and was further complicated when the CSE established its own procedures which resulted in significant differences across the departments.

### **Recommendations**

IRI suggested that the CSE increase its efforts to distribute *cédulas* and *documentos supletorios* in rural areas. Also, IRI noted that numerous Nicaraguan citizens had complained that they were omitted from the voting lists or that documents had contained incorrect information impeding their right to vote. The IRI delegation stressed the importance of correcting these errors so that these citizens can in the next election exercise their right to vote. IRI also recommended that a comprehensive educational campaign is necessary to inform citizens of the voting process and that this civic education drive should focus on explaining the mechanics of voting and the importance of receiving a *cédula* and *documento supletorio*, as well as conducting a massive campaign encouraging Nicaraguans to vote. Problems with the production and distribution of electoral ballots also require attention so that there are sufficient materials at the voting tables and enough for delivery. The lack of concrete details provided by the CSE regarding the transmission of results was also pointed out as being a matter of concern because the credibility of the results relies heavily on the efficiency and quickness of the count and publication of the electoral results. (*See attachment 14 – EO Final Report*)

### **Electoral Observation – National General Elections (2001)**

Through funding received by USAID, IRI dispatched a 56 member delegation of election observers to monitor the November 4, 2001 vote. IRI observers visited scores of sites

across 13 of Nicaragua's 17 departments. The mission delegates focused on adherence to proper voting and counting procedures; the secrecy of the vote; the presence and behavior of party poll watchers; and evidence of any prohibited campaigning activities.

IRI chronicled the challenges, deficiencies, and successes in Nicaragua's 2001 election process and made several recommendations for the consideration of the CSE and the National Assembly for strengthening the system. Positive developments in the electoral process include: 1) The distribution of election materials was undertaken in a very effective and efficient manner; 2) The collection of electoral materials was executed in an organized and efficient matter; and 3) There was successful transmission of results.

### **Recommendations**

After the 2001 elections, IRI recommended that the Nicaraguan government consider undertaking a new census to determine the country's current population, which would make it possible to determine the number of eligible voters. The CSE should make an effort to complete the registration of all voting-age citizens and maintain a permanent vote registration system to register newly eligible citizens. The CSE should ensure that all currently registered voters have a permanent voting credential, the *cédula*, and that the CSE should re-assess its distribution of JRVs. (*See attachment 15 – EO Final Report*)

At the present time, IRI has an office with a permanent Chief of Party in Managua who is in charge of coordinating various activities with local organizations, political parties, etc. The main areas of IRI's current work in the country focuses on electoral reform programs; citizens' participation rights; political party youth training; political party strengthening; program development with minority groups (women, indigenous peoples, etc.); public opinion polling; poll watcher training; and coalition building among other things. All these activities are related to what IRI is proposing to do in preparation for the 2006 electoral year.

### **Proposed Activities for 2005-2006**

In an effort to promote transparency and voter turnout for 2006, IRI is proposing to undertake the following activities:

#### **Public Opinion Polling**

IRI polling would identify voters who abstained from the recent municipal elections, in order to reach this disenfranchised group for this election. Polling would also make it possible to monitor on an on-going basis the party's "soft" and "hard" supporters. Polls will also serve to identify voter tendencies, such as where they live; their age; gender, etc.

#### **Party Database Training**

Based on its polling results, IRI would be able to train parties on how to best develop a databases with accurate voter identification data. IRI polling data that identified "hard" and "soft" voters would be used as the foundation of these databases.

### **Get Out the Vote (GOTV)**

Once voters are properly identified and databases are established, a long-term GOTV effort will be conducted with two objectives:

1. To equip the parties with an understanding of how to best organize and mobilize their party base; and
2. To target soft voters with a more message-driven mobilization effort, here special emphasis might be given to youth (voting age in Nicaragua is sixteen).

### **96 Hour Task Force**

In preparation for the final four days prior to the election, IRI would train parties on how to adapt the Republican Party's "96 Hour Task Force" to the Nicaragua context. IRI and consultants from the Bush campaign would provide strategic advice throughout this process to ensure its success.

### **Party Poll Watcher Training**

Building on recent IRI poll watcher training, IRI is proposing to expand its effort for the national elections. IRI wants to ensure that all 10,000 polling stations have an IRI-equipped party representative in the event of fraudulent election-day activities, as well as for mobilizing democratic activists for GOTV efforts.

### **Civil Society Voter Education Campaign**

This component would identify a local grantee to conduct an intensive public relations and lobbying campaign with three main objectives:

1. Pressuring the National Assembly and CSE to reform the practice of changing voters' polling locations and to franchise Nicaraguans living abroad;
2. Informing the public of how to find out where they are registered to vote to prevent a repeat of the widespread mishaps during the municipal elections;
3. A national campaign to enact electoral reforms that require parties to conduct primary elections (lure APRE back into the PLC to support Montealegre, who says he supports the idea).

## **6. National Democratic Institute (NDI)**

### ***Background***

The National Democratic Institute for International Affairs (NDI) is a non-profit organization that aims at strengthening and expanding democracy worldwide. NDI provides assistance to civic and political leaders with the purpose of advancing democratic values, practices and institutions. NDI works in collaboration with democrats in different regions of the world to build political and civic organizations; transparent elections; promote citizen participation; and transparency and accountability in government.

## ***Past and Present Activities***

NDI has worked in Nicaragua since 1990 to strengthen democratic institutions and practices, focusing on strengthening civil-military relations.

NDI has supported the electoral process in Nicaragua since 1996, providing technical assistance to ET, Nicaragua's first nonpartisan national election observer effort. ET has since emerged as the most broad-based civic group in Nicaragua, becoming a symbol of pluralism and national reconciliation, and contributing to raising the standard of elections in Nicaragua. During the 2001 elections, ET fielded more than 5,000 volunteer observers and conducted a "quick count," or independent verification of election results. In 2004, NDI once again assisted ET in conducting a campaign finance monitoring program for the municipal elections to help increase public access to information and transparency.

Based on their program on "Promoting Political Reform and Youth Participation in Politics", NDI is working to help Nicaraguan mobilize to restore the independence of democratic institutions that have been eroded by the *pacto*. To achieve this goal NDI is providing Nicaraguan activists with a tool to engage and mobilize broader sectors of society, particularly disaffected youth, and has established benchmarks for a democratic electoral process.

In partnership with the Central American University (UCA), NDI is conducting a nationwide democracy survey on the concerns of Nicaraguans, particularly youth. The Nicaraguans selected to be interviewed will be drawn from a random cross-section of 1,250 citizens with an "over sample" of young people and a control group of citizen activists to be drawn from ET's volunteer network database.

The survey includes questions about Nicaraguan perspectives on issues such as: the *pacto*; political party primaries; and public confidence in essential institutions such as the judiciary, congress, the presidency, the media and political parties. The survey will also examine factors influencing elections including: citizen confidence in electoral authorities and the voter registry; desire for national and international observers; and past irregularities that decrease participation or affected electoral results.

NDI's activities are aimed at trying to determine who is not participating in the political process, and why they are not participation, whether it is due to socioeconomic levels and geographic locations. The goal is to establish what would motivate citizens to participate, and how citizens who are politically active are participating. The survey finding will be used to inform and encourage citizens to take part in advocacy efforts and participate in elections, as non-partisan observers, political party activists, or poll watchers for the upcoming presidential elections.

## ***Proposed Activities for 2005-2006***

Follow-on activities to draw on the survey information, will respond to the weakening of democracy cause by the *pacto* and NDI plans to propose a unified approach to election observation mainly supporting groups like ET and IPADE in areas like voter registry



audit, election administration monitoring; and campaign finance. Under the same follow-on activities, NDI is proposing to work with small and emerging political parties on a poll watcher training program. Finally, NDI is also proposing developing a get-out-the-vote campaigns and a second part of the Democracy Survey. (*See attachment 16 – Concept Paper*)

## **7. Organization of American States (OAS)**

### ***Background***

The Organization of American States (OAS) works to promote good governance; expand trade; foster peace and security; strengthen human rights; and combat problems caused by poverty, drugs and corruption in its member nations. Through its Unit for Promotion of Democracy (UPD), the OAS focuses its efforts on promoting activities to decentralize governments; strengthen national legislatures; modernize political parties; strengthen democratic values and culture; and increase citizen participation in political life.

In the last fourteen years USAID and the OAS/Nicaragua have shared the same policy objectives and established various mechanisms of collaboration. Some projects include: the CIAV mission (1990-1997) and the current support to the Governance and Democracy Program (February 2004-June 2005), and a number of other projects that have benefited from a rich synergy of actions. (*See attachment 17 – OAS Information Material*)

### ***Previous Projects***

The OAS began its involvement in Nicaragua in the late 1980s, which saw the end of political conflict and gave way to the beginning of corrective governmental tasks and concentrating on democracy. Beginning in the 1990s the OAS participated in the observation of electoral processes in the country through its programs which aim at the strengthening of democratic institutions and development of programs for democratic support. All of the Nicaraguan elections since 1990 have counted with the support of special missions from the Secretary General of the OAS.

A unique program developed by the OAS in Nicaragua started in 1997. It began the formation of a social network of community groups in the central and northern zones of the country. The result has been the formation of Peace Commissions; a corps of mayors' auxiliaries; and rural judicial facilitators. These three innovative experiences have permitted Nicaragua to count with an enormous participation of the population in the respect for human rights; the formation of local governments; and the administration of justice in their communities. Before the elections of 2001, the Peace Commissions helped to facilitate the *cedulación* process and the delivery of *cédulas* in remote areas.

### **Electoral Observation – National General Elections (1996)**

During the General Assembly of the OAS, held in Haiti in June 1996, the Vice Minister of Foreign Affairs for Nicaragua requested that the OAS Secretary General send an

electoral observation mission in support of the electoral process scheduled to take place on October 1996. The OAS Electoral Observation Mission began working in Nicaragua on April 16, 1996 setting up headquarters in Managua and regional offices in Juigalpa, Jinotega, Matagalpa, and Leon.

### **Problems**

The CSE faced major difficulties in organizing the elections since they were the most complex in the history of country since six elections would essentially going to held simultaneously. Problems and deficiencies observed during the elections included arithmetic errors; transmittal of results; settlement of appeals; and allocation of seats that clouded the transparency process. Also, political parties did not fully exercise their powers of inspection of the various complex phases of the electoral process.

### **Recommendations**

Recommendations by the OAS were divided into eight areas: the electoral system; the electoral register; the delivery of identity cards; the organic structure of the CSE; electoral logistics; civic education; vote counting and the transmission of results; and the legal framework. The OAS recommended that a new electoral system based on a permanent registry be implemented as soon as possible. The mission suggested that a system be created for keeping the electoral register permanently up to date between elections, and that the organic structure be adapted to the permanent register system. The OAS also suggested that election logistics be coordinated across the sectors, and quality control be implemented. As well, the OAS recommended that civic education programs be developed by the CSE and that other governmental institutions encourage voter participation at a national level. The system for the transmittal of results also needs to be revised according to the OAS, so that a direct transmittal of a copy of the tally record is possible. Finally, a thorough study of the current legal electoral framework was recommended. (*See attachment 18 – EO Final Report*)

### **Electoral Observation – Regional Elections in the Atlantic Coast (1998)**

The government of Nicaragua requested that the Secretary General of the OAS send an electoral observer mission to its Atlantic Coast regions to observe the elections for members of the autonomous regional councils. The observation mission was aimed at checking compliance with the electoral law and with the decisions and procedures established by the CSE. The mission sent out 17 observers from 11 countries to almost all of the municipalities in the autonomous regions, and established a central office and two regional offices. The Mission selected 213 polling stations to monitor which represented 31.2 percent of the total number of polling stations in the region.

### **Recommendations**

The mission, however, also made a number of recommendations for the next electoral process. For instance, the mission found that the system for electoral complaints led to an excessive workload for the electoral authorities. It suggested that consideration might be given to amending the procedure by permitting, for example, allegations of crimes to be filed directly with the regular justice system. The structure of the system for the staffing of the polling stations also needed to be revised in order to permit one worker at each

station to be appointed by the election authorities. To strengthen the development of the electoral process, the OAS mission also noted, that it is of utmost importance that the distributing of the identity cards be finished before the next general election. Also, the continual updating of citizens' addresses is important to ensure a high level of participation on election-day. According to the mission, consideration should also be given to automating some steps of the system of data transmission in order to minimize the possibility of errors. Since the rate of abstention was high during the elections, election authorities, civil organizations, and the various associations and political parties that participate in elections need to encourage greater participation amongst the citizenry in future regional and national elections. (*See attachment 19 – EO Final Report*)

### **Electoral Observation – Municipal Elections (2000)**

The OAS mission traveled to Nicaragua three times before settling permanently in the country. The mission encountered a series of criticisms and commentaries from political movements and NGOs about the new electoral legislation. Law 331 of this legislation, expresses the right of suffrage; provides mechanisms for the counting of votes; allows membership in political movements and parties; establishes a series of controls to ensure that the outcome reflects the popular will; and guarantees the political rights enshrined in articles 27-31, 47-55, and 89-91 of the Constitution. Controversies arose about the interpretation and application of this law. Smaller political parties running against the PLC and FSLN were particularly vocal in their criticisms. The most severe criticism was that the law makes it difficult for new or small parties to gain recognition and participate in the electoral process. The OAS mission viewed the claim as invalid. Through it did observe that the electoral process was unfolding in the midst of a backdrop of general mistrust against electoral authorities and tensions and confrontations were present among officials and employees of the institution. The mission also observed a lack of interest among the public in participation and in considering the alternative platforms offered by the candidates for mayor.

### **Recommendations**

The mission recommended that the changes made in the voter's list should be accompanied by a publicity campaign. Also, that it was important to establish a coordination unit to manage elections, that is, that the CSE needs the services of a technical body that can coordinate in the functional areas. The mission recommends that before the next elections, an operational and functional schedule be drawn up to identify the different processes and procedures involved. The mission also noted that the electorate had insufficient understanding of vote mechanisms; it therefore suggested that the training programs be identified and improved. The OAS mission also noted that the process of sending poll reports was slow and complicated and that it should be split into two components. The first relating to recounting and materials, while the second was in charge of other functions related to the fax machine. The mission also recommended establishing a computer center at departmental or regional level so that processes can move more quickly and political organizations are in better position to oversee the results. The OAS emphasized that the importance that all procedures involved in counting; tabulating; and transmitting results should be clearly documented to make them more readily understandable. Finally, the mission recommended the use of bar codes on

the tally reports so that data at all stages of the process is documented, offering greater speed and security in the inputting and controlling returns. (*See attachment 20 – EO Final Report*)

### **Electoral Observation - National General Elections and Regional Elections in the Atlantic Coast (2001-2002)**

The OAS mission made contact with all actors involved in the political process: electoral candidates; legal representatives of the political parties; representatives of Nicaraguan civil society; and international observer organizations. One of the key issues in this electoral process was the verification of the signatures of political parties. The mission observed that the election campaign was conducted in an atmosphere of partisan tension, verbal attacks, destruction of opponent's propaganda, and isolated instances of violence. The electoral verification process showed that there were no problems with approximately 82.99 percent of the citizens covered in the first verification stage, meaning that there were correctly located by the ballot receiving board. The mission also noted that 90 percent of citizens managed to attend the verification-process. A supplementary citizen-registration scheme was implemented to ensure that the majority of citizens were registered on the electoral roll and had an identity card. The scheme proved to be satisfactory in the delivering of documents. Training was offered for all those involved in the electoral process, including members of the Ballot Receiving Boards; police; and staff. The transmission of results tests were conducted from the tallying centers in each department and municipality, the mission observed major problems with the accreditation process.

The three parties authorized an accredited by the CSE for the November 4, 2001 elections were: the FSLN, PLC and the PC.

### **Conclusions**

Despite problems that arose during the run-up to the elections as a result of strong partisan tension, the mission noted that the elections were peaceful. The mission observed a high level of participation of the general public in the elections, there was massive voter turnout. The armed forces and the media contributed to keeping the public informed and a peaceful atmosphere ensured. The mission observed delays in the delivery of materials and necessary tools to carry out basic activities. There were also some flaws in the electoral rolls used, and problems existed when attempts were made to correctly identify the correct location of voters. An optimal effort was made to provide citizens with the documents that would enable them to vote, the ID distribution plan was successful in issuing 67.7 percent of pending documents. Improvements were observed in the results transmission system. The planned vote-count systems, access control and barcoded minutes provided greater security in the data-input process. However, the lack of proper coordination of the information, and low technology resources in the electoral process prevented the integrated implementation of the vote counting and results-transmission system.

### **Electoral Observation - Regional Elections in the Atlantic Coast (2002)**

The mission observed every aspect of the run-up to the election such as the issuing of identity documents; the delivery of election materials; and the observation of polling stations. On election-day the mission observed approximately 200 polling stations in 14 departments of the 425 established. Observers reported that the tallying and results-transmission process proceeded in complete normality in spite of some delays. However, a considerable number of people did not participate and voter turnout was a low 65 percent.

### **Recommendations**

The OAS recommended that efforts continue to be aimed at enhancing measures to strengthen democracy in Nicaragua. It suggested that programs be implemented in areas of civic education; human rights; and strengthening the concept of citizenship. The mission also suggested that a comprehensive reform of the electoral law be considered in order to enable the general public and civil society organizations a more effective participation in the electoral process. The OAS mission also noted the importance of professionalizing the electoral staff and depoliticizing the electoral structures as much as possible, particular in the CSE. Another suggestion was that a central civil-registration system be created, and that the entire process for issuing personal identity documents should be evaluated and reorganized. The voting process also needs to be simplified in order to avoid delays. Finally, the mission noted that the electoral process needed to be properly planned, including contingency plans; the training of staff; and the updating of electoral register well in advance of the next Nicaraguan election.

### **Electoral Observation - Municipal Elections (November 2004)**

The final OAS report on last year's municipal elections has not been officially approved yet by the office of the General Secretariat. The release of the report depends on this approval. Various Nicaraguan individuals and organizations criticized the OAS' role in these elections since they did not provide a strong communiqué against electoral irregularities in various municipalities, especially in Granada.

### **Report of the General Technical Mission of the Secretary General of the OAS in Nicaragua (May 18-24, 2005)**

The political crisis that currently threatens democratic institutions in Nicaragua has its roots in the struggle of the two major political parties (PLC and FSLN) to gain greater power and to reduce the powers of the Executive Branch.

The crisis became graver when the Comptroller General of the Republic requested the impeachment and dismissal of the President of the Republic, Enrique Bolaños Geyer, for the alleged crime of withholding information about the financing of his 2001 presidential campaign, from the Comptroller. Faced with this situation, the government requested the OAS to send a mission to evaluate the effect the events were having and in order to avoid a far-reaching institutional crisis.

The OAS mission arrived on May 18, 2005 to appraise the situation in Nicaragua and to meet with all the political actors involved in the emerging crisis. Once the Sandinista

leader, Daniel Ortega, gave the assurance that the president would be allowed to finish his mandate, the fear of an early dismissal disappeared.

Clashes between the powers of the state reoccurred when the two major parties (PLC and FSLN) decided to reform the Constitution once again by creating Superintendents of Public Services and of Property. Previously reforms had been approved that reduced executive powers with respect to the appointment of ministers, diplomats and directors of autonomous entities, and suspension of tax exemptions for mass media companies.

The President made an attempt to counteract these reforms by calling for dialogue between the two major political parties on January 19, 2005. However, the implementation of the reforms was carried out with complete disregard for the consensus agreement. This motivated the President to take the case to the Central American Court of Justice which declared the reforms not applicable, deepening the crisis even more.

1. The mission observed that Nicaragua faces a situation of conflict as a result of an alteration to the constitutional order brought about by the electoral reforms;
2. With respect to the topic of human rights and fundamental liberties, the mission noted the need to expand social demands regarding human rights and fundamental freedoms;
3. The mission also observed the need to reinforce legal guarantees so that the rule of law can remain in effect;
4. Electoral democracy, the mission noted, had also experienced weaknesses at the municipal level where the results of votes were questioned, both by political parties and electoral observers.
5. The mission pointed out that the organization and administration of elections reflects deficiencies such as in the issuance of identify cards (*cédulas*) and the need to update the electoral register, among others.
6. Finally, the mission observed that political parties should continue their mission to improve spaces of democratic harmonization, and that the system of political parties and electoral laws must be reformed.

In June of this same year, the GON once again requested that the OAS send a mission to the country to monitor the continually escalating crisis. The OAS sent a mission headed by Dr. Enrique Lagos on May 18, 2005 and continued its activities until May 24 (*See attachment 21 – Technical Mission*). The objective of this Delegation was to observe the situation of the country and serve as a “Facilitator” for National Dialogue that had been previously implemented and had now stalled.

#### **OAS Mission Report - (June 16-19, 2005 visit)**

The Secretary General (SG) of the OAS, José Miguel Insulza presented a report to the Permanent Council on his visit to Nicaragua from June 16 to 19. The following points were highlighted in the report:

1. SG Insulza qualified the Nicaraguan situation as being extremely serious and one which threatens to spread into a grave institutional crisis.

2. SG Insulza also indicated that the fundamental problem is that the executive power is headed in one direction while the legislative power is headed in another. This pull has caused a state of institutional confrontation that impedes the construction of spaces to promote harmonization and dialogue which could produce democratic solutions. This is exasperated by a deep distrust among the relevant actors, the GON, and PLC and FSLN.
3. Citizens holding opposing views are caught in the middle of conflict.
4. SG Insulza also indicated that the political establishment should concentrate on resolving the main concern of the population which is a fair electoral process in which they can all participate.
5. He notes that the people want the doors of dialogue to be opened so that citizens can participate, and that citizens want a timely solution to the institutional problem.
6. Finally, Insulza pledged that the OAS would send a high level delegation the following week to continue in the efforts that will maintain the dialogue which has begun to develop.

The mission was informed of the situation by all the historic political actors this included the executive; the National Assembly; the judicial branches; the electoral authority; the Comptroller of the Republic; AMUNIC; political parties (the PLC, FSLN, APRE, and PC); Cardinal Miguel Obando and Bravo; the Private Enterprise Council (COSEP); and representatives of the diplomatic corps.

Specific notations in the report included:

1. The importance of the separation and independence of powers, which includes ridding the state institutions of partisan currents, and the design of control mechanisms;
2. The importance of urging an authentic national dialogue.

### ***Proposed Activities for 2005-2006***

Three meetings were held with OAS representatives (DC and Managua) to discuss different institutional strategies focusing on the March and November 2006 elections. The OAS is very interested in fielding a long-term observation mission (starting as soon as possible and ending in December of 2006), in addition to establishing the capacity of supporting the CSE in any technical matters that they might request in the future.

The OAS has recently proposed a program for the strengthening the political system to be carried out in the period of 2005-2007. This area presents enormous opportunities for collaboration given the role that the OAS/Nicaragua can play to improve governance programs.

Some of the activities are planned to address governance particularly in strengthening ethics and accountability through more transparent procedures, accountability mechanisms and greater citizen oversight through citizen “watchdog” activities.

In this context, activities to solidify social networks have been and will be carried out

based on citizen participation and control.

The OAS governance and democracy program with support from USAID ends in June 2005. The program will not be continued, however, there is interest in part of the OAS to establish a medium to long-term mechanism of collaboration with USAID beginning as soon as possible so to give continuity to the work.

## **7. United Nations Development Programs (UNDP)**

### ***Background***

The United Nations Development Program (UNDP) is the United Nations' (UN) global development network that focuses on advocating for change and connecting countries to knowledge; experience; and resources to help people build a better life. The organization has presence in 166 countries and focuses on helping countries build solutions to the following problems: 1) democratic governance; 2) poverty reduction; 3) crisis prevention and recovery; 4) environment and energy; and 5) HIV/AIDS.

### ***Present Activities***

UNDP/Nicaragua is presently leading the "Democratic Institution Strengthening of Nicaragua" program. This project has been divided into three categories:

1. Modernization of the National Assembly,
2. Political Youth Leadership Strengthening, which aims at strengthening a new political generation, so that political parties can benefit from a renovation of leadership; and
3. The modernization of Political Parties, focused on strengthening the political party structures and increased internal democratization (focus on women; youth; and indigenous populations) in order to ensure that political parties greater interaction with the general population and are more inclusive.

Nicaragua has experienced difficulties in the process of consolidating democracy. Since the return of electoral democracy in 1990, the country has experienced various political and institutional crises resulting in slow economic development, failure to achieve results in the fight against poverty and inequality, and general erosion of the credibility of political institutions. A popular opinion among politicians as well as citizens is that in order to consolidate democracy and governance in Nicaragua it is essential to revitalize the conduct and image of politics and the main actors in the political arena.

With this in mind, a group of bilateral cooperating countries and the United Nations Development Program (UNDP) in Nicaragua have determined to initiate a project to support the modernization of political parties. The project is based on the results of the Aid Preparation assistance (AP) carried out in the period November 2004 to February of 2005 by DFID, Holland, Sweden and UNDP (US\$100,000). The AP conducted a diagnosis of the political parties in order to acquire a practical picture of the four political parties that have representation in the National Assembly, and of the parties who



demonstrated relevance in the November 2004 municipal elections (Liberal Constitutional Party, National Liberation Sandinista Front, Conservative Party, Christian Party, and Alliance for the Republic), as well as the regional parties with presence in the regional councils of the Caribbean Coast (Yatama and Pamuc). A central element of the diagnosis was to observe the function and relation of the political parties with society, both as indicators of the state of institutionalization. This diagnosis was designed based on an active dialogue with representatives of the partisan leadership, liaisons of the political parties, political analysts, civil society and international cooperation sectors. The parties identified themselves as weak organizations both in their internal structure and procedures.

The direct beneficiaries of this project are the political parties. The project aims at supporting the institutionalization in terms of internal democratization, transparency, efficiency and roots in society. The major long-term challenge for all is to contribute to an integrated process of support to the modernization of the system of political parties, of the political parties individually, and their rehabilitation, or perhaps better understanding of the politics in the Nicaraguan society. This integrated process will be carried out through concrete actions among the parties.

## **VI. International Donors** (*Standard 1.4*)

### **1. Canada**

The Canadian International Development Agency (CIDA) works to support sustainable development in developing countries and contributes in the areas of governance, particularly reforms to the support of social, political, and economic inclusion; environmental sustainability; economic productivity; and basic human needs for health and education. Canada has been providing development assistance to Nicaragua since 1971 (around US\$3 million per year in grant support).

According to Canadian representative in Nicaragua, Enrique Madueño, his country is interested in supporting the CSE in the areas of voter registration and *cédulación* processes during the 2005-2006 electoral period. He also mentioned the possibility, along with the support of other donor countries, of supporting the purchase of a more standardized computer system for the CSE.

All of these issues need to be consulted with his main political advisors at the governmental level (Ottawa), so that an official approval can be obtained from the Canadian Foreign Ministry.

### **2. Denmark**

Development assistance and cooperation between Denmark and Nicaragua initiated in 1981 through several Danish NGOs. The first loan for development purposes was made in 1985 and beginning in 1989, Danish cooperation turned to donations. In 1993,

Nicaragua was selected as a priority country (one of 20 countries) for Danish aid. The bilateral cooperation disbursed from 1990 to 2000, is over US\$ 184.4 million.

Denmark is committed to supporting economic and political reforms directed at the fight against the poverty in Nicaragua and improvement of the living conditions for the poorest demographic groups. Assistance is concentrated and directed to the three sectors: environment and natural resources management, agriculture sector and infrastructure (highways). Danish assistance also supports activities in decentralization, general macroeconomic support and reforms in the public sector and debt relief.

### **3. The European Union (EU)**

Followed by an official invitation from the GON, the European Union (EU) sent in 2001 an exploratory mission with a mandate to provide factual elements to assist with the decision of whether and how the EU might support the election process in Nicaragua. The exploratory mission took place between June 24 and July 7, 2001 and concluded that an EU Election Observation Mission (EU-EOM) to Nicaragua was advisable, feasible and useful.

An EU-EOM was established on September 25, 2001 with a core of long-term observers. In October 31, 2001, 43 short-term observers arrived in country and were joined by 65 locally recruited observers from EU embassies and NGOs. The total number of long, and short-term EU observers on election-day (November 4, 2001) was 140 people deployed in seventy-five municipalities across all of the departments and regions of the country (582 JRVs) (*See attachment 22 - Final Report*).

The EU representative whom we recently met told us that it was too soon to be thinking about potential assistance to the 2005-2006 electoral periods, and that before committing to an EU mission, different member-states would need to be consulted in order to get a better idea of what each is doing unilaterally.

The main area of interest for the EU would be an international observation program focused on the general elections in November of 2006, developed in the same as the 2001 mission. The EU will evaluate the possibility of fielding an observation mission for the March 2006 Atlantic Coast elections, but it seems very unlikely that this will occur. The EU has observed elections in Nicaragua in 1990, 1996, and 2001, but only a few local EU members were accredited to observe in the last municipal elections of November 2004.

Additional follow up meetings will be need with EU authorities in Managua and Brussels to find out more about a possible international observation mission for the November 2006 election.

### **4. Germany**

Nicaragua has had a relationship with Germany since the 1960's. After the reunification of West and East Germany, a new phase of cooperation began in 1990 based on the

definition of priorities for future assistance programs as analyzed by Nicaragua and a technical mission composed of representatives of the former Democratic Republic of Germany and the Federal Republic of Germany. Cooperation with Germany has been positive and is formalized through the bilateral negotiations which have been taking place since 1998 on a biennial basis.

Germany, has collaborated in diverse sectors in the area of democracy, including decentralization and communal development; the eradication of the poverty; and the fight against corruption. Nicaragua is one of five priority countries for German cooperation in Latin America.

German assistance concentrates on three priority areas: Decentralization and strengthening of the Rule of Law, environmental policies, use and protection of natural resources, and water and sanitation.

From 1990-2003, German assistance to Nicaragua was US\$296 million, with peak disbursements in the period 1997-2002 when assistance rose to US\$132.5 million (post-Mitch). Disbursement of aid for the year 2003 totaled US\$19.4 million and benefited the productive sector 11 percent, economic infrastructure 25 percent, social sectors 31 percent, financial sector 24 percent and all others 9 percent.

The German Embassy supported the 2000 and 2001 elections through a US\$100,000 contribution to ET for equipment and institutional strengthening. Currently, the Federal Republic of Germany supports a program aimed at decentralization and strengthening democracy and the Rule of Law.

The Federal Republic of Germany has participated in electoral missions of the European Union in the elections of 1996 and in 2001. In recent months, this diplomatic mission has received an application from the National Democratic Institute (NDI), for funding to organize civil society looking forward to the next elections in 2006. The German Embassy has not supported the CSE previously and currently they have no plans or programs planned for the next elections in 2006.

Germany offered their services to be the clearinghouse for all interested countries interested in financing programs related to the 2006 electoral process. They will publish a chart with information of all the proposals sent to each donor to able to track and coordinate the assistance of potential groups and programs. This information will be shared between all interested donors.

## **5. Great Britain (Department for International Development - DFID)**

Great Britain's Department for International Development (DFID) has supported Nicaragua through programs that focus on governance; human rights; public sector reform; HIV/AIDS; strengthening of civil society; and poverty reduction.

The cooperation with Great Britain was initiated in Nicaragua in 1980 through non-governmental organizations such as: OXFAM, WAR ON WANT, CHRISTIAN AID, and CHR. Up to 2001, bilateral cooperation provided to Nicaragua was implemented through the EU, NGOs, and funds administered by the Embassy. However, in 2001 the British government opened the first regional DFID office in Managua, with the purpose of strengthening support for the reduction of poverty. Great Britain provided funding in the total amount of US\$13.9 million dollars between 1990 and 2003.

DFID is presently a member of the consortium of donors supporting the “Democratic Institution Strengthening of Nicaragua” program.

## **6. Japan**

According to the information obtained from the Japanese Embassy, Japan has supported previous electoral projects in Nicaragua. One project was undertaken through the GON, with a grant of 4 million *Córdobas* for the purchase of 150 computers for the CSE (2001 General Elections). Two other donations were also made that same year. The first one was to ET, which consisted in the purchase of fifty satellite and one-hundred cellular phones (US\$52,000) and the second one was to OAS/Nicaragua, which focused on a democracy awareness campaign program in the Atlantic Coast (US\$89,000).

In the past two years, Japan has refocused its priorities and is now evaluating what type of assistance, if any, they will provide in the electoral field. One has to also take into consideration the fact that any proposal request made could take between two to four months to be approved.

The Japanese are very interested in supporting and strengthening an anti-corruption program (G-8 Initiative) in the country. In this case, the GON needs to directly request a specific proposal to Japan in order to obtain additional financing.

On the issue of donor coordination, the Japanese are completely open to any discussion with their donor partners and welcome any coordination initiative in the future. They have also expressed strong interest in assisting the electoral process in 2006 through a possible government to government donation of US\$500,000.

## **7. Norway**

The representatives of the Embassy of Norway praised the US initiative for starting this political and electoral diagnostic ahead of anyone else.

One of their main worries, they feel, about the Nicaraguan electoral system is the high cost of organizing elections in the country. They are very interested in studying the causes behind this high costs and how they can it be lowered.

Norway supported the registration process in 2001, but he complained the program has not been sustainable. They also favor a long-term international observation mission, and the strengthening of the internal democracy of the political party structure.

In summary, Norway does not have a very big budget in comparison to other donors and they have not yet started to develop a formal strategy for next year's elections. They do not expect to do anything until the beginning of next year, but they did mention the possibility of providing around US\$500,000 to support an OAS-EOM. They are very interested in participating in any donor coordination initiative.

## **8. Spain**

The Spanish Agency for International Cooperation (AECI) works through the Technical Office of Cooperation of the Embassy of Spain which manages support for developing countries to reduce poverty; consolidate democracy; and contribute to economic growth.

In Nicaragua the AECI aims at consolidating democracy; fortifying the rule of law by means of institutional development; decentralization; the defense and promotion of human rights and fundamental liberties; and the encouragement of social participation.

The AECI has actively participated in the process of the consolidation of democracy in Nicaragua, particularly in promoting governance projects. These programs are being implemented with key institutions such as the Supreme Court of Justice, Comptroller General of the Republic, Ministry of Government, CSE and Institute of Municipal Promotion. The organization also supports the modernization of the structure of the state. AECI also provides funding for organizations such as UNDP. From 1990 to 2000, Spain had disbursed almost US\$85 million in grants and nearly US\$150 million in loans to Nicaragua.

According to the AECI representative in Managua, his government has recently approved a donation of US\$7.17 million to modernize the Nicaraguan registration system. He was not sure when the funds will be available and recommended that the CSE should be approached for additional information on the project.

Spain provided electoral assistance to Nicaragua in 1996 in the form of transportation vehicles (cars and boats – *pangas*); IT equipment; and software for the registration process. They did not provide funding for the 2001 elections.

In the meantime, the Spanish representative believes that it is too early to start developing an electoral strategy for next year's elections. He thinks that the main decisions in terms of funding will come from Brussels, since different countries will be interested to pursue a united program in Nicaragua. Also, the GON, through the CSE, should be preparing a formal request for assistance in the various areas of need.

Spain suggested that the CSE should develop a Budget Matrix for the international community, so that donors can evaluate each line item and decide what area of the

process they may be interested in supporting. He also agrees that a close coordination effort between the donor-community in Nicaragua, specially taking into consideration the problems everyone faced in 2001, (e.g. Japan's computer equipment donation to the departments and municipalities took place at the last minute with minimal impact/results). According to information gathered from someone who works in the CSE, those computers are now abandoned in a storage room, but another CSE representative informed that those computers are the ones presently being used for the registration process.

## **9. Sweden**

The cooperation between Sweden and Nicaragua initiated in 1979, through the Emergency Aid Program and is directed to the areas of environment and natural resources; gender; culture; health; local development; social investment; infrastructure (highways); democracy; human rights; the judicial system; and institutional support. Disbursements between 1990 and 2000 exceeded US\$ 368.0 million and Sweden has consistently ranked in the top three bilateral donors to Nicaragua. In 2001 the government of Sweden approved a regional strategy for Central America which includes Nicaragua. In the framework of this new strategy, the main objectives are the strengthening of the democracy and the battle against poverty.

In the elections of 1996, 1998, 2000, and 2001, Sweden funded IPADE's civic education campaigns and domestic and international election observers.

The Embassy of Sweden, through the Swedish International Development Cooperation Agency (SIDA), co-financed the OAS observation mission in 2004. They provided about 85percent of the total budget for the mission, around US\$125,000 (1 million SEK).

The Swedes are presently part of the donor consortium that is supporting UNDP's "Democratic Institution Strengthening of Nicaragua" program.

SIDA has a couple of initiatives which have recently started or are in the process of starting soon. The first initiative is called "Women Forum for Nicaragua" and began in January, 2005. They are presently studying the possibility of future assistance in 2006.

## **10. Switzerland**

The cooperation with the Swiss Confederation and Nicaragua initiated in 1979, with the approval of an extensive Program of Agricultural Reactivation. The Swiss cooperation is channeled through COSUDE, its aims are the reduction of poverty; the improvement of conditions for production; resolving ecological problems; health; and democratization.

Between 1990 and 2003, disbursements equaled \$124.1 million, of which 5 percent was directed towards governance.

COSUDE supports the promotion of governance in Central America with a program that focuses on decentralization and civic participation; improving access to justice; and cross incorporation of governance in the project and programs of COSUDE. Current partner organizations in Nicaragua include: *Fundación para el Desarrollo Democrático* (FUNDEMOS); *Asociación de Desarrollo Municipal* (ADM); *Centro de Derechos Constitucionales* (CDC); *Centro de Investigación de la Comunicación* (CINCO); *Asociación de Municipios de Nicaragua* (AMUNIC); and *Grupo Cívico Ética y Transparencia*.

## **11. United States (National Endowment for Democracy - NED)**

NED originated in the early 1980s based on the belief that American assistance on behalf of democratic efforts abroad would be beneficial both to the U.S. and to those countries struggling for freedom and self-government. NED receives funds from the US government and distributes funds to four other organizations: IRI; National Democratic Institute (NDI); Chamber of Commerce's Center for Private Enterprise (CIPE); and American Center for International Labor Solidarity (AFL-CIO).

NED has worked in Nicaragua since 1990 giving 74 grants to organizations that aim at increasing civic education and citizen participation. NED representatives from the Latin American Division provided me with a detailed summary of past and present activities in Nicaragua (*See attachment 23 – List of Grantees in Nicaragua*). The following are the present activities being financed by NED in the country:

### **Instituto de Estudios Estratégicos y Políticas Públicas (IEEPP) (Strategic Study and Public Policy Institute): \$46,000**

IEEPP's goal is to increase the knowledge and participation of civilians in the discussion and formulation of public policies in defense and security. IEEPP will conduct three studies on policy-related themes and present its conclusions in a series of roundtables and a national conference. IEEPP will also continue to provide direct training to the members of the Defense and Governance Commission in the National Assembly.

### **IRI: \$300,000**

To encourage the development of viable, inclusive political party practices. IRI will provide technical support and assistance on internal party organization; voter identification; and grassroots outreach strategies. IRI will work with parties on the application of polling techniques and the inclusion of youth and women in parties.

### **NDI: \$110,000**

To help publicize citizen concerns about the political system. NDI will conduct a survey on Nicaraguan attitudes toward the political crisis, the findings of which will be presented at an international public forum designed to generate citizen pressure for political reform, particularly among the youth.

### **HD (Let's Make Democracy Association): \$85,000**

The project's goal is to engage the citizens in the electoral and political process. HD will conduct legislative electoral reform and citizen participation forums throughout the country. HD will also assist in the consolidation of a new citizens' group, MpN, which was formed as an attempt to reassert citizens' rights to transparency in the governance.

## **VII. Recommendations**

Specific recommendations are based on opinions gathered from meetings and conversations held with different actors interested in the electoral process. These recommendations were also factored in based on previous experiences from various local and international groups that have participated in election observation and assistance programs since 1990. Developing and funding these recommended programs with enough time increases the probability they will have an effective impact.

This section is divided in two areas of recommendations:

A) Political Recommendations: 1) Electoral Law Reforms (a. Political party Primaries and b. CSE's Change of Composition); 2) International Observation Program; 3) Domestic Observation Program; and 4) Donor Coordination.

B) Technical Recommendations: 1) Voter Registration (*Cedulación*); 2) Voter List (*Padrón*); 3) Massive Civic Education Campaign; and 4) International Assistance to the CSE (ex. a. poll worker and political party poll watcher training; b. out-of-country voting; and c. general assistance). (*Standard 2.2*)

### **A. Political Recommendations**

#### **1. Electoral Law Reforms**

All local and international groups mentioned this area as the number one priority to be able to have free and fair elections in 2006. The need for internal political party primaries and the CSE composition are fundamental to start an electoral process that already looks controlled by the *pacto* members.

Regardless of timing, in order to prepare effectively for any election, legislation needs to be in place early. This is apparent both from the time needed to develop an effective election management body from the current base, and the needed to distance contentious issues from the election period, so as to minimize potential conflict. Debate is likely to be vigorous and time will be required to educate the public in what may be a push for some reforms in the electoral system. Some NGOs and individuals spoken to identified the need to provide sufficient time to find and fix any errors or manipulation in the electoral legal framework as a significant reason for early development of these proposed reforms. The two main areas of reform are: 1) Political Party Primaries; and 2) CSE' change of composition. (*Standard 2.3*)



### **a. Political Party Primaries**

MpN is presently drafting an “Internal Authorities Law and Primary Elections for Political Parties” and is also developing a thematic package which will be used to educate the public on the importance of democratic institutions. MpN is presently collecting signatures for the introduction of the law initiatives by citizens. Other organizations like ET, HD, IRI, etc. have been working on this issue for various months and they can provide support to the MpN initiative a form a big umbrella of groups and citizens to pressure from all sides. Media outreach, seminars in different cities and universities will need to be organized, that way a united front can be developed to push the needed change.

It is strongly recommended that if the proposed reform does not pass or no interest is expressed in it, the smaller political parties and leaders without parties develop a system to select their presidential, vice-presidential, and deputies for the National Assembly organize a system to select all their representatives for the next general elections. Time is of essence and international and local groups could support this process that should not be extended past January 2006.

### **b. CSE’s Change of Composition**

At the present time the Presidency is vacant and the FSLN and PLC members (plus Roberto Rivas, past President) are all negotiating who gets to be the President for the next term since the PLC also wants to have one of their representatives in that position.

The main recommendation is for the local political parties who are recognized by the CSE (with “*personería jurídica*”) and civil society groups in general, should start pressuring the CSE and the National Assembly to debate a possible restructure of the constitution of that institution. Other options are to field international and domestic observation missions, with an additional technical assistance team working from within the CSE (ex. IFES or CAPEL). This way, the international and Nicaraguan community will be able to track and pressure from other angles the possibility of change.

## **2. International Observation Programs**

At the present time, there is a mediation process being led by OAS’ Amb. Dante Caputo, so a clear division of roles from this activity and an electoral observation mission from the same organization will have to be clarified from the beginning. One has to be careful to differentiate and make sound decisions in these types of situations. The mediation process (seeking to restart the National Dialogue) has started before the international observation process, so the leaders of both programs/activities will have to separate both functions very clearly.

Nicaragua has been observed by numerous groups in the past (e. OAS, EU, Carter Center, IRI, NDI, IFES, and CAPEL to name a few). It is important to understand that limited resources will impede financing every single group mentioned above for a long-term process. Even if some of these groups are interested in observing short-time (election-

day type) processes, the funding will probably be more useful to be given to an organization that will have the capacity to be in country for the long-run.

### **Potential Actors**

There are various international organizations with observation experience in Nicaragua, but there are only two that may have the stature and experience in the country to provide a long-term program in this very polarized political environment. These are the OAS and the EU. There are also other important actors who could provide additional support to this international effort, if funds were made available. The groups that can be considered “secondary” supporters are: CAPEL; Carter Center; IFES; and IRI, all with various electoral observation levels of experience in the country since 1990.

The OAS could be the inter-American organization in charge of the observation mission and the EU could represent other areas of the world, this might provide the most balanced perspective of the situation.

### **Scenarios**

It is recommended that a long-term international observation mission should be funded starting as soon as possible (September 2005). The first phase, (September 2005 to January 2006) should start with three one-week pre-electoral visits to evaluate all political and technical issues in the country. The second phase should concentrate in the Atlantic Coast elections of March 2006 (January to March 2006), but with permanent follow up of the general situation in the country. The March elections should have the presence of an observation team of at least 25 observers starting in January 2006. The third phase (April to December 2006) should refocus on the November 2006 general elections with full coverage in all 17 departments and main municipalities with a core team of permanent observers (minimum 35). The observer group will need to be increased up to at least 100 the closer we get to the elections (one month before election-day), plus local embassy personnel should be deployed around the country a day or two before election-day.

In summary, the recommendation is to support the OAS to fulfill a long-term observation program starting as soon as possible. The OAS team should bring its best observer group and it is recommended that the Head of the Mission be someone with a high profile and experience like Eduardo Stein in Peru 2000 and 2001, or Valentin Paniagua in Guatemala 2003.

If additional funds are made available for one or two groups who can accompany the OAS in a shorter and more reduced role (50 observers on election-day each), the recommendation will then be to support a Carter Center/NDI style of observation missions, as they were performed in Peru 2001. The formula could be adapted to the Nicaraguan political and electoral environment (e.g. IFES/IRI; Carter Center/NDI; Carter Center/IFES; etc). (*Standard 2.1*)

### **3. Domestic Observation Programs**

It is recommended that a long-term domestic observation group/s begin observing the present political/electoral process to be able to track all issues that may be endangering the democratic road to free and fair elections in 2006. This group/s should accompany and coordinate very closely with an international observation mission to strengthen forces and be able to have one voice if needed be.

The CSE created a very restrictive resolution for the 2004 municipal elections that makes the domestic observer registration process very cumbersome and expensive (when adding the number of potential volunteers). This regulation should be voided in the future to make the accreditation process for the domestic observer much easier.

#### **Potential Actors**

ET and IPADE have participated in pre-electoral activities and domestic elections observation since 1996 up to the 2004 municipal elections. This means that both organizations have participated in all the national elections, as well as the municipal and regional elections in this time period.

Both organizations have already provided detailed proposals and budgets to start working from August 2005 until December 2006. *Hagamos Democracia* also has domestic observation experience and they are interested in playing an important role as part of a possible consortium.

#### **Scenarios**

A formal partnership between ET and IPADE could be formed in preparation to the March and November 2006 elections. Other local groups (HD, MpN, etc.), with previous experience in the matter, should be invited to participate under an umbrella group led by ET and IPADE.

IPADE has a very good reputation working in the Atlantic Coast and clearly has a better relationship with the present CSE authorities. The March elections could be led by IPADE and the November elections by ET.

There are three possible scenarios in providing funds to the domestic observation program: 1) To use an international NGO, with previous domestic observation assistance, to channel the funds (sub-grants) to ET and/or IPADE, other groups; 2) To provide direct grants to ET and/or IPADE and they administrate sub-grant to smaller local NGOs.; and 3) To provide separate grants to all local NGOs that have domestic observation capabilities. The recommended model and most successful one based on previous experiences, is to support the first option with an international group being responsible of one or various sub-grants. (*Standard 2.1*)

#### **4. Donor Coordination**

It is highly recommended that all members of the international community (e.g. Embassies, donor agencies, multilateral banks, etc.) organize a united front in order to coordinate different political and electoral activities in preparation for 2006.

I was able to meet with different embassies and members of the donor community in Nicaragua and a strong support was expressed for a permanent sharing of information and regular meetings at the ambassadorial and political/program levels. The idea is to create a permanent revolving mechanism that would allow the Ambassadors to establish or reestablish a system of high level discussions to commit their support to the different types of activities that the different donor will be financing. A second group, a more programmatic type, can also start coordinating on a regular basis (once or twice per month) once the different political and electoral activities start. Each of these meetings could be hosted in different venues, so that Nicaraguans can perceive a united international effort supporting their country.

It was also recommended that a united donor delegation pays a courtesy visit to the CSE authorities as soon as possible. The purpose said meeting will be to show this united front and also to request the type of assistance they may need in preparation for the 2006 electoral processes. (*Standards 1.4 and 2.2*)

#### **B. Technical Recommendations (Assistance to the CSE)**

It is recommended that an international organization accompany and assists the CSE in all facets of the electoral process (e.g. voter registration; distribution of voter ID cards; audit of voter rolls; poll worker training; transmission of results; OCV; civic education campaigns; electoral law reform; CSE's public information and voter education etc.). This program should start parallel with the international and domestic observation programs, in order to best coordinate the effort being made between all of the actors. The implementation of such a program should take place months ahead of the political/electoral calendar year. There are various areas that will need to be analyzed, so that local political parties; civil society; and the international community in general can trust a system that was organized without any major problems.

The present CSE very much resembles the 2001 CSE, it does not enjoy a very high public confidence. To change this, the CSE will need to be open with the domestic and international community so they can have access and observe all of the internal procedures from the start. The present composition of the CSE, with a very polarized internal control of the institution between the FSLN and the PLC, does not guarantee a free and fair process in preparation for the March and November 2006 elections. (*Standard 2.4*)

## **Potential Actors**

There are really three main actors that could perform a complete technical assistance package among the international groups that are available and that have a sound past experience in the area. These four groups are: 1) CAPEL; 2) IFES; and 3) OAS.

The present CSE has expressed mix reactions to the possibility of having international groups “observing” their internal programs. The idea is to accompany the different CSE internal divisions to be able to evaluate the main problems that they are facing before, during and after the elections.

It is recommended that CAPEL, Caribbean Consultant or IFES be the organizations to assist the CSE on all these matters. It will be a conflict of interest if the OAS provides both, international observation and assistance to the CSE at the same time. Based on three meetings held with Rodrigo Barreto, the CSE feels “more comfortable” working with CAPEL than with IFES. The CSE is also considering the option of directly hiring a group of Election Commissioners (e.g. Alberto Ramirez Zambonini) and international experts (e.g. Santiago Murray) to help the CSE on a long-term technical assistance program.

## **Priority Areas of Assistance**

### **1. Voter Registration (*Cedulación*)**

The development of reliable, accurate and accessible voter registries is a crucial element of managing elections with accuracy and integrity. Developing and/or maintaining a voter registry is an expensive undertaking, but the Nicaraguans have been going through this process for the last ten years. There are various ways to do registration and the present registration (*cedulación*) system is too cumbersome, antique, inadequate and basically does not serve as a satisfactory basis for the current voter list. The internal CSE procedures are very complicated and do not provide any confidence as the base of the electoral processes of 2006.

Given the difficulties identified by this diagnostic (not an expert in this specific field), it is essential that a thorough review of the voter registration system is undertaken as soon as possible. The outcome of such review, to be done by an expert organization, and any resulting action taken to improve this system (or a decision that the current system is not suitable) will be a necessary basis for any recommendations both on the future direction of voter registration, and on any future assistance for voter registration activities.

The recommended team of experts should be from either IFES or CAPEL since they are the one that have the most experience in evaluating and assessing this matter. (*Standard 2.4*)

### **2. Audit of Voter List (*Padrón*)**

The voters list has not been updated this year and they have the same one used in the last municipal elections in November 2004. According to the CSE, there are 3,309,010

registered voters; 10,313 JRVs; and 4,296 Voting Centers. The estimate of the “*real padrón*” varies from 2.8 to 2.6 million.

One of the main problems as of recently was the approximately *cédulas* (ID cards) expired or that will be expiring next year since most of them were obtained between 1995 and 1996. The *cédula* has a ten-year validation limit. At the end of July 2005, the National Assembly approved various amendments to the Identification Law (*Ley de Identificación Ciudadana*) and one of them was the extension of the validity of every expired *cédula* until December 31, 2008. This is an important legislative measure since it will allow all Nicaraguans to be able to participate in next year’s electoral processes.

A re-verification process has been suggested by various interviewees to clean the voter list (*padrón*). The CSE, political leaders, and civil society have suggested to do weekend re-verification nationwide. There are various ways to audit a voter list, one of them is to do a random sample (1 to 2 percent of the voter list) and see if the voters who live near a JRV are presently registered in that voting place. A more extreme and complete process could be a door-to-door registration campaign. Again, the list can be updated, on the basis of the civil registry.

The main problem in Nicaragua at this moment, based on last year’s “*ratón loco*” (displacement) issue, is to link voters with polling stations, as some of them have been “displaced” from the voter list to other JRVs that are even in another Municipality or even Department. There is not enough time to completely create a new voter registry and ID system and voter confidence depends on a clean voter list.

The suggested method by various organizations and individuals in Nicaragua is to open the JRVs over several days (weekends), so that people can visit them and verify if they are in the JRV nearer their residence. A massive public campaign inviting the voters to register will be needed (See Massive Civic Education Campaign section below), since it is difficult to ensure an adequate participation.

It is suggested that a team of experts from either IFES or CAPEL should be invited to perform a technical evaluation (possible audit) to the voter list, since they are the one that have the most experienced in this matter. (*Standards 2.4 and 2.5*)

### **3. Massive Civic Education Campaign (Voter Awareness)**

Nicaragua will benefit from a well organized and thorough citizen information at all stages of the election process. First, they need to continue having citizen mobilization marches around the country to be able to pressure the *pacto* leaders to sit in the table and reach needed agreements and reforms.

In order to make a significant contribution to building Nicaraguan voter confidence, some measures transmitting a positive message could be undertaken as soon as possible – political party reforms, voter list issues, etc. Voter’s confidence needs to be built with more active programs, both through transparency and wide discussion of changes in the

political and electoral system as well as through evidences of coordination and cooperation between the civil society sector and the electoral authorities, leading to a gradual relaxation of the present conditions.

There are a few groups, locally and internationally, that can work on this potential program. ET, IPADE, and HD, through their domestic observation experience and reach could help on a national campaign. The same with media actors and international players like IRI, CAII, and NDI who have presented strong get-out-the-vote programs. An effective public outreach and technical support will be needed to complete this project. (*Standards 1.6, 2.5, 2.6 and 2.7*)

#### **4. Technical Assistance to the CSE**

##### **a. Political Party Poll Watcher Training**

There are 19 political parties registered in the CSE (three of them are Regional), but only the FSLN and maybe the PLC will be able to have at least one poll watcher in each JRV. The smaller parties will have to unite themselves to be able to obtain that same number (10,313 – one per each JRV or 4,500 – one per each voting center) to be able to protect their vote in the next general elections. A united front needs to be created in order the parties that are out of the *pacto* can be able to have poll watchers in every JRV in the country. Local groups (HD, ET or IPADE) with the help of international organizations (IRI or NDI) can develop a civic campaign to recruit and train that number of volunteers that will be needed to cover every JRV. (*Standards 1.1 and 2.6*)

##### **b. Out-of-Country Voting (OCV)**

It is very unlikely this program will be approved even though all actors in the political process agreed that this is something very important in the future. I would recommend that a seminar or small study be developed by either the CSE or a local organization that can prepare the bases for a much bigger debate on a later time. The Mexican Congress and the Federal Electoral Institute of Mexico developed studies on this issue for almost ten years until it was approved two months ago. They were able to produce various studies to calculate the number of people living abroad and where were they located. They also organized various international seminars to learn more from other experiences. Nicaraguans living abroad and internally should organize themselves in propose in a united form some type of recommendation for the GON and CSE officials to seriously consider this program. (*Standard 1.1 and 2.6*)

##### **c. General Assistance**

It is suggested other sections of the electoral system (divisions of the CSE) be analyzed much closer with a team of experts in areas such as: legal issues, logistics, cartography, information technology (IT - computers), transmission of results, etc. A thorough evaluation inside the CSE will provide a better understanding of the main areas of assistance to the CSE may be. Again, CAPEL or IFES could start with this project as soon as possible. (*Standard 2.6*)

### Recommended Benchmarks (2005/2006):

Benchmark	Responsible Institution	Timeframe
Debates over needs to amend the Electoral Law	National Assembly; CSE; Political Parties; Civil Society	August 2005 - January 2006
Request for International and Domestic Observation Missions	GON; CSE; Political Parties; Civil Society	September 2005 – December 2006
Request for Massive Civic Education Campaign	CSE; Media; Civil Society	September 2005 – Different stages until end of 2006
Request for Technical Assistance Package	CSE; Donor Community	September 2005 – November 2006 (Different Periods)
Adoption of Operational Plan for Registration and Elections	CSE; Political Parties; Technical Assistance Team	September 2005 – November 2006 (Voter Registry is a long-term program after the elections)

*(Standard 2.2)*